

**CORRESPONDENCE
IN LIEU OF
DIRECTORS' MEETING
MONDAY, MAY 3, 2004**

I. MAYOR

- *1. Washington Report - April 23, 2004.
- *2. NEWS ADVISORY - RE: Mayor Seng will have a news conference at 10:00 a.m., Thursday, April 29th - The Streets, Roads and Trails Committee, appointed by the Mayor in January, will present its report on financing streets in Lincoln - (See Release)
- *3. NEWS RELEASE - RE: Mayor's Streets, Roads and Trails Committee Announces Community Dialogue On A Plan For Building Lincoln's Future - (See Release)
- *4. Report - RE: Building Lincoln's Future ... Mayor's Advisory Committee Streets, Roads, and Trails - 2004 April - Interim Report - SRT Committee. - (Council copies placed in their Thursday packets on 4/29/04-Patte & Terry received a copy of it already)(Copy of this Report is on file in the City Council Office)

II. CITY CLERK

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE

ANNETTE McROY

- 1. OUTSTANDING Request to Public Works & Utilities Department/
Lancaster County Engineering - RE: Future plans for NW 4th 48th Street (RFI#147 - 3/18/04) - **(Sent Corrected Copy out on 3/22/04). — 1.) SEE RESPONSE FROM RANDY HOSKINS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#147 - 3/26/04.**

2. Request to Public Works - Water – RE: Problem: Town Home with 1 water meter (RFI#148 - 4/07/04). — **1.) SEE RESPONSE FROM STEVE OWEN, PW-WATER DEPARTMENT RECEIVED ON RFI#148 - 4/23/04.**
3. Request to Law Department/Animal Control - RE: Cats leash Law - (RFI#149 - 04/23/04)

PATTE NEWMAN

1. **OUTSTANDING Request to Ernie Castillo, Wynn Hjermsstad, Marc Wullschleger, Urban Development Department/ Terry Bundy, LES/ Allan Abbott, Public Works & Utilities Director/Mike DeKalb, Marvin Krout, Planning Department/Lynn Johnson, Parks & Recreation Director - RE: Signs or banners identifying individual neighborhoods - (For Witherbee and Eastridge area) - (RFI#20 - 3/24/04). — 1.) SEE RESPONSE FROM TERRY BUNDY, LES RECEIVED ON RFI#20 - 4/12/04.**
2. Request to Nicole Fleck-Tooze, Dennis Bartels, Allan Abbott, Public Works/Tonya Skinner, Dana Roper, City Law Dept./Marvin Krout, Planning - RE: A resident of the Easthart Neighborhood a problem they had in their development - the commons area between 78th St. & Maxey School - (RFI#21- 4/29/04)
3. Request to Nicole Fleck-Tooze, Allan Abbott, Public Works & Utilities Department - RE: A constituent in the 8200 block of “A” Street - the City is asking their homeowner’s association to pay for maintenance of a commons area - (RFI#22 - 4/29/04)

JON CAMP

1. Request to Fire Chief Mike Spadt - RE: Stand-by ambulance service (RFI#86 - 04/20/04). — **1.) SEE RESPONSE FROM FIRE CHIEF MIKE SPADT RECEIVED ON RFI#86 - 4/26/04.**
2. Request to Public Works & Utilities Department - RE: “A” Street parking (RFI#87 - 04/20/04). — **1.) SEE RESPONSE FROM RANDY HOSKINS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#87 - 4/27/04.**

- *3. Letter from Tim Johnson to Jon Camp - RE: To express my hope that the original language in the recently passed floodplains ordinance be re-instated - (See Letter)
- *4. Memo from Bill Bucher, Principal Lux Middle School to Jon Camp - RE: StarTran Bus Route - (See Memo)

TERRY WERNER

- 1. Request to Public Works & Utilities Department - RE: Planned Work at Warlick Blvd./Old Cheney Road/Creekside Drive - (RFI#126 - 04/21/04)

GLENN FRIENDT

- 1. Request to Marc Wullschleger, Urban Development Director - RE: AHNA Steering Committee Report - (RFI#30 - 4/28/04)

GLENN FRIENDT & ANNETTE McROY

- 1. Request to Allan Abbott, Public Works & Utilities Director/Police Chief Tom Casady - RE: Traffic safety on South 25th Street from N to J - (GF--RFI#31&AM--RFI#150)

B. DIRECTORS AND DEPARTMENT HEADS

FINANCE DEPARTMENT/CITY TREASURER

- *1. Material from Don Herz, Finance Director & Melinda J. Jones, City Treasurer - RE: Resolution & Finance Department Treasurer of Lincoln, Nebraska - Investments Purchased April 19, 2004 thru April 23, 2004.

FIRE DEPARTMENT

- *1. Letter from Fire Chief Mike Spadt to James E. Kamas - RE: His billing concerns - (See Material)

HEALTH DEPARTMENT

- *1. NEWS RELEASE - RE: National Infant Immunization Week from April 25th to May 1st - (See Release)
- *2. NEWS RELEASE - RE: News Conference Today - Mayor Seng will kick off National SAFE KIDS Week with a news conference to highlight the week's activities - (See Release)
- *3. NEWS RELEASE - RE: Free Family Safety Event Set For May 7 - Local coalition focusing on water safety as part of National Safe Kids Week - (See Release)
- *4. Letter from Bruce Dart to Irma Sarata - RE: Your concerns about the development of Long View Estates and will try to respond to those areas that are relevant to the regulations of the Lincoln/Lancaster County Health Dept. (LLCHD) - (See Letter)

PLANNING

- *1. - 2004 Annual Review Lincoln/Lancaster County Comprehensive Plan - 2025 Comprehensive Plan - Planning Commission Edition - April 28, 2004. (Council received their copies of this Material on 4/29/04 in their Thursday packets)(Copy on file in the City Council Office)

PLANNING COMMISSION FINAL ACTION

- *1. Special Permit No. 04018 (Private vocational/technical school - No. 27th & Old Dairy Road) Resolution No. PC-00861.
- *2. Special Permit No. 1778B (Extension of excavation permit north and east of 56th Street & Arbor Road) Resolution No. PC-00859.
- *3. Waiver No. 04006 (W. Stockwell Street and S. Folsom Street) Resolution No. PC-00860.

PUBLIC WORKS & UTILITIES DEPARTMENT

- *1. Public Works & Utilities ADVISORY - RE: 84TH Street Water Main and Roadway Improvements Are Beginning Project 700779. - (See Advisory)

- *2. Letter from Ben Higgins to Robert D. & Elizabeth C. Smith - RE: Sevenoaks 9th Addition, Outlot A - (See Letter)
- *3. Memo from Ben Higgins - RE: Pine Lake Heights Homeowners Association Pond - (See Memo)

C. MISCELLANEOUS

- *1. E-Mail from Jennifer M. Perry & David DiLillo - RE: Parking on A Street in front of Trinity United Methodist Church - (See E-Mail)
- *2. Letter from Lisa M. Peterson - RE: Writing to ask you to change the (d) portion of 9.20.050 to an infraction versus a misdemeanor - 9.20.050 is the disturbing the peace law and the (d) portion makes operating any radio, tape player, compact disc player, stereophonic sound system or similar device audible to other persons in public places more than fifty feet from the source a misdemeanor or criminal offense with a minimum fine of \$150 - (See Letter)
- *3. 3 - E-Mail's from Cheryl Richter; Janis J. Heim; Quentin & Mary Murrell; - RE: Changes to A Street - (See E-Mail's)
- *4. E-Mail from Karin Fuog - RE: StarTran route from Lux to Vintage Heights - (See E-Mail)
- *5. E-Mail from Sue Kirkland, Administrative Assistant, Trinity United Methodist Church - RE: "A" Street - (See E-Mail)
- *6. E-Mail from Douglas Lambert, Lambriar Animal Health Care LLC in Kansas, which was forward to Jim Weverka, Animal Control Chief - RE: Dog tag licenses - (See E-Mail)
- *7. E-Mail from Brenda & David Kubicek - RE: A Street Project - (See E-Mail)
- *8. E-Mail from Sara Friedman - RE: The Flood Plain issue - (See E-Mail)

- *9. E-Mail from Cindy Mefford - RE: "A" Street Turning Lane Project - (See E-Mail)
- *10. Letter & Material from Russell Miller - RE: The Flood Plain issue - (See Material)

IV. DIRECTORS

V. CITY COUNCIL MEMBERS

VI. ADJOURNMENT

***HELD OVER UNTIL MAY 10, 2004.**

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CITY OF
LINCOLNCITY COUNCIL
OFFICE

Washington Report

Vol. 10 No. 10
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City of Lincoln -- Washington Office

Senate Set to Move Internet Tax Bill Again

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**Washington Report
Archives Available
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Internet Tax

Senate to proceed with floor consideration of Internet access legislation early next week.

Senate Majority Leader Bill Frist (R-TN) has indicated his desire to begin consideration once again of legislation (S 150) that would extend a now expired moratorium on state and local taxation of Internet access fees. Frist had pulled the bill from the floor late last year after a bipartisan group of Senators brought up concerns with the measure during debate.

In its current form, S 150 is designed to make permanent a 1998 moratorium on taxation of Internet access. State and local governments oppose the measure because, in seeking to broaden the definition of Internet access, the measure would also jeopardize state and local fees and use taxes on all forms of telecommunications. Since the bill was pulled from the Senate floor last year, Senators on both sides of the issue have been unable to come to a compromise and the moratorium is now expired.

Earlier this year, Senators Lamar Alexander (R-TN), Tom Carper (D-DE), George Voinovich (R-OH), and Dianne Feinstein (D-CA) led a bipartisan group of colleagues in introducing alternative legislation (S 2084) that would have extended the moratorium for two years and protected state and local taxing authority on telecommunications services other than Internet access. Supporters of S 150 rejected the bill as an alternative and the stalemate continued.

Now Senate Commerce Committee Chairman John McCain (R-AZ) is attempting to craft another alternative and early reports are that it does not adequately address state and local concerns. According to reports, the McCain proposal would extend the expired moratorium for four years; exclude traditional telephone service from the definition of exempt Internet access; exclude Voice over Internet Protocol

technology from the definition of exempt Internet access; grandfather states that taxed Internet access in 1998 for three years, and grandfather states that currently tax DSL Internet access for two years.

As a result, state and local government organizations are attempting to be vigilant in securing the most accurate and up-to-date information over the next few days, as a number of parliamentary tactics are expected to be used that could further confuse a very complicated issue.

The first vote on the issue may come as early as Monday, when Senators would be asked to limit debate on the bill (also known as a cloture vote). Further debate and votes on amendments and alternatives are likely to occur on Tuesday and Wednesday, and Frist has indicated that he would like to complete action on the issue by the end of next week.

Cities should contact their Senators and urge them to support the efforts of Senators Alexander and Feinstein to delay action on S 150. Even a so-called "compromise" bill could potentially doom telecommunications fees since supporters of the state and local position are unlikely to be a part of any House-Senate conference committee on the bill.

Congress

Election year politics, budget disagreements stymie efforts to advance legislation. The time off during the spring recess did nothing to help lawmakers overcome political differences that have slowed debate in the Senate to a crawl and severely limited the pace of action in the House.

Despite a full week of meetings, House and Senate negotiators failed to find common ground on the FY 2005 Budget Resolution. The Budget Resolution is a blueprint that sets broad spending and policy goals for Congress to

follow as it crafts tax and spending bills. Though there are many similarities between the House and Senate versions of the blueprint, a major sticking point remains over whether to impose budget enforcement rules on tax cuts. The Senate version of the Budget resolution would impose budget enforcement rules on both tax cuts and spending increases while the House version would impose them only on spending increases.

In the absence of a final Budget Resolution, which sets the overall discretionary spending level for the coming fiscal year, the Appropriations Committees in the House and Senate have been reduced to waiting. Though they could proceed with the FY 2005 appropriations bills in the absence of a Budget Resolution, they would be hard pressed to keep spending within the parameters set by the Administration without the budget enforcement mechanisms provided by the Budget Resolution.

In the Senate, Democrats continued to wreak havoc with Senate Majority Leader Bill Frist's (R-TN) efforts to pass legislation. In what is becoming a familiar pattern, Democrats insistence on introducing amendments to raise the minimum wage, bar the Administration from implementing new overtime pay rules and extend unemployment insurance benefits for the long-term unemployed led Frist to pull legislation on asbestos liability and TANF reauthorization from the Senate floor. For local governments, the good news is that the Senate stalemate may complicate efforts to bring Internet tax legislation to the floor next week (see related story).

Given the list of must do legislation, Congress will eventually have to overcome its stalemate. Federal highway and transit programs are set to expire at the end of this month, TANF will expire at the end of June and a score of popular tax credits such as the research and development tax credit are set to expire at various times this year. However, given the partisan rancor and the difficulty of passing legislation in the closely divided Senate, it seems

increasingly likely that Congress will pass a series of short-term extenders and omnibus bills.

Transportation

Behind the scenes work on highway, transit reauthorization continues, current law set to expire on April 30. As negotiations continue between the Congress and the White House over the price tag of the TEA-21 Reauthorization bill, lawmakers will be forced next week to pass a fourth temporary extension of surface transportation law. House Majority Leader Tom Delay (R-TX) has already indicated that the House will vote next week on a two-month extension, giving lawmakers until the end of June to finish the six-year reauthorization bill.

In a meeting earlier this week, President Bush and Republican Congressional leaders decided to first agree on an overall spending level for the reauthorization bill and then appoint conferees for the House-Senate Conference Committee. Although it has yet to be determined if the authors of the House and Senate reauthorization bills would be included in determining the final funding level, it is worth noting that neither group was invited to the White House meeting.

Conferees will be faced with reconciling the cost differences between the \$284 billion House bill (HR 3550) and the \$318 billion Senate bill (S 1072). Hanging over conferees will be the veto threat issued by the President on any bill that exceeds his \$256 billion proposal. Several lawmakers feel that the veto threat has only drawn out the reauthorization process. Given that it took 10 weeks to conference TEA-21 in 1998, industry insiders feel another temporary extension of current law may be needed.

In addition to the debate over the funding level of the bill, conferees must also resolve a number of complex issues; the most contentious of which will be the minimum guarantee for highway funding. The Senate bill would guarantee a 95

percent return to states for every dollar that they contribute to the Highway Trust Fund. The House bill would retain the existing 90.5 return, but includes a reopener clause that would freeze highway spending after FY 2005. House Transportation and Infrastructure Committee members included the reopener clause hoping for a better political climate to increase funding for highway spending. White House officials object to the reopener provision because they do not believe it makes the bill a six-year bill and they oppose any tax increase.

Another contentious issue that is quietly building steam is a conflict between the construction industry and the environmental community over project streamlining provisions that are designed to lessen the burden for road projects subject to environmental rules and regulations.

Many within the transportation industry feel that this normally bipartisan issue could turn into a bitter election-year battle. Fearing that Democrats may be excluded entirely from the conference, Senate Minority Leader Tom Daschle (D-SD) has insisted on informal preconference meetings before he appoints conferees. To date, Senate Majority Leader Bill Frist has not agreed to that request. Conferees, therefore, have not been named.

Census

Preparation for the 2010 Census has begun and some are wary that the Census Bureau will not work diligently to make necessary improvements. In an assessment of the 2000 Census, a National Academy of Sciences panel found that while the count was generally well executed, two major problems with the Census process were exposed. The first was the high rate of error in the development of the Master Address File (MAF). The MAF documents the street address, mailing address, and the census block location of every living quarter in America. The second problem highlighted by the panel was the poorly managed documentation of residents of

group quarters. Group quarters include college dormitories, prisons, jails, halfway homes, hospitals, nursing homes, etc. The panel found that the 2000 Census had an error rate of 5-10 percent, resulting in at least 6 million people not being counted.

State and local governments have long believed that the Census Bureau should use statistical sampling in their counts to more accurately determine the population, especially in urban areas where low-income residents are often left uncounted. However, since the Census Bureau and the Supreme Court have ruled out sampling, these organizations are now encouraging their members to work with the Census Bureau to ensure that the MAF for each city is accurate and up-to-date.

The Census Bureau developed a program with local governments as directed by Congress in 1995 called the Local Update of Census Addresses (LUCA) in order to obtain more accurate address information. While few local governments took advantage of the program, its benefits were demonstrated in the fact that New York City single-handedly added a million people to their population by showing to the Census Bureau that it had missed 250,000 addresses prior to the 2000 Census.

Local governmental organizations are encouraging their members to urge Congress and the Census Bureau to start the implementation of LUCA as soon as possible. Information regarding the program can be found at the Census Bureau's LUCA help desk at (888) 688-6948 or E-mail at luca@geo.census.gov.

Federal Register

The following notices have appeared in the Federal Register since April 2. Further information may be obtained from this office.

Department of Interior, April 5: The National Park Service, along with the Heritage Preservation Service, has announced the availability of funding for the Save America's Treasures Grant. The

purpose of this grant program is to preserve work on nationally significant cultural collections and historic properties. A total of \$15,000,000 is estimated for the program funding, with 60 awards expected to be given, ranging between \$50,000 to \$1,000,000. Grants require a dollar-for-dollar, non-Federal match, which can be cash, donated services or use of equipment. Eligible applicants include state, county and city governments, along with nonprofits and institutions of higher education. Further information on the program can be found on the program's website at:

www.cr.nps.gov/hps/treasures/index.htm. Applications are due on May 19, 2004. (Grants.gov)

Department of Health and Human Services, April 5: The Administration for Children and Families has announced the availability of funding for the Community Food and Nutrition Program. The main objective of the program is to encourage total health and nutritional well being of low-income individuals through improved preventative health care, promotion of personal responsibility, and access to healthy, nutritious foods. The total funding for the project is anticipated to be \$2,400,000. Approximately, 48 to 52 awards are available. The award ceiling and the average award amount is \$50,000. Eligible entities include public and private non-profit agencies, faith-based organizations and community-based organizations. Applications are due by June 4, 2004. (Pages 17680-17689.)

Department of Health and Human Services, April 5: The Office of Adolescent Pregnancy Programs has announced the availability of funds for abstinence education PREVENTION projects. The purpose of this program is to promote abstinence as the most effective method in preventing unwanted pregnancies and sexually transmitted infections. All adolescents under the age of 19 are applicable for services. Approximately, \$3.5 million is available to support an estimated 10 new PREVENTION demonstration projects for about \$300,000 each. Eligible entities include public and

private nonprofit organizations, along with community-based and faith-based organizations. However, faith-based organizations are only eligible if they do not use the program funds for any inherently religious activities, such as worship or religious instruction. Some cost matching is required for this program. (Pages 17888-17892.)

Department of Education, April 6: The Department has recently announced the Improving Literacy Through School Libraries Program. The purpose of the program is to improve student reading skills and academic achievement by providing students with modern library materials, well-equipped and technologically advanced media centers, and well-trained and certified school library media specialists. Approximately \$19,800,000 is available for the program. About 200 awards will be given to chosen applicants ranging from \$30,000 to \$350,000. Eligible applicants include Local Educational Agencies (LEAs) in which at least 20 percent of the students served by the LEA are from families with incomes below the poverty line. A list of these LEAs can be found at:

www.ed.gov/programs/lsl/eligibility.html. A Notice of Intent to Apply must be received by April 27, 2004 and applications are due on May 20, 2004. (Pages 17893-17895.)

Department of Labor, April 6: The Employment Training Administration (ETA), Office of Grants and Contract Management, has announced the availability of \$5,500,000 in funding to support approximately 20 grants for eligible Workforce Investment Boards (WIB). Grants will range from \$300,000 to \$600,000. The grants will build on successful 2001 and 2002 ETA grants that worked to build partnerships between faith-based and community organizations and local One-Stop systems. The WIB will work to develop and implement an 18-month project that focuses on resolving unmet community needs related to hard-to-serve populations, ex-offender re-integration, and employment and welfare-to-work. Eligible applicants are limited to state and county

governments. Applications are due by May 6, 2004. Please access <http://www.doleta.gov/> for more information. (Grants.gov)

Department of Health and Human Services, April 8: The Substance Abuse and Mental Health Services Administration (SAMHSA) has announced the availability of FY 2004 funding for cooperative agreements for Ecstasy and Other Club Drugs Prevention Services. These grants will expand and strengthen effective ecstasy and other club drug prevention services at the state and local level. It is estimated that there will be approximately \$4.5 million in FY 2004 funding available for this program. Awards of up to \$300,000 will be projects of up to five years.

Department of Labor, April 8: The Employment Training Administration (ETA), Office of Grants and Contract Management, has announced the availability of funding for the Workforce Incentive Grant Program. The purpose of the program is to enhance the employability, employment, and career advancement of people with disabilities, including psychiatric and other hidden disabilities, through streamlined service delivery in the One-Stop delivery system established under the Workforce Investment Act. Approximately \$14 million will be available to fund about 30 grants of up to \$600,000. State, local, and consortia of local Workforce Investment Boards are eligible to apply. Workforce investment areas that have not received prior grants are preferred. Applications are due on May 11, 2004. Please go to the program website at <http://wdsc.doleta.gov/disability>. Pages 18629-18652.

Department of Health and Human Services, April 12: The Substance Abuse and Mental Health Administration has announced the availability of FY 2004 funding for the Young Offender Reentry Program. The purpose of this program is to provide funding to expand and/or enhance substance abuse treatment and related reentry services to agencies that currently provide services to sentenced juveniles and young adult offenders returning to the

community from incarceration. It is expected that \$6 million in FY 2004 funding will be available to fund up to 12-14 awards, with the average award ranging from \$300,000-\$500,000 in total project costs. Eligibility for this funding opportunity is limited to state and local governments, and non-profit organizations. Applications are due June 15, 2004 and may be obtained online at: www.samhsa.gov. Pages 19194-19206.

Department of Labor, April 13: On April 6 the Employment and Training published a notification concerning the availability of \$5.5 million for grants to eligible Workforce Investment Boards to form partnerships with faith-based and community based organizations. The notification contained incorrect page limitation information. On Page 18128 under the Submission of Applications heading should read 10 pages; not 12. Pages 19451-19452.

Department of Labor, April 13: The Veterans' Employment and Training Service Administration has announced the availability of funding for the Urban Homeless Veterans' Reintegration Program (HVRP). HVRP grants are intended to address two objectives: 1) To provide services to assist in reintegrating homeless veterans into meaningful employment, and (2) to stimulate the development of effective service delivery systems that will address the complex problems facing homeless veterans. The total funding available for this program is up to \$3.6 million in FY 2004 funds. It is anticipated that approximately 12 awards will be made under this program with award amounts ranging from \$200,000-\$300,000. Applications for funding will be accepted from state and local Workforce Investment Boards, local public agencies, and nonprofit organizations, including faith-based and community-based organizations. Completed applications are due May 13, 2004 and may be obtained online at: <http://www.dol.gov/vets>. Pages 19523-19558.

Department of Labor, April 13: Veterans' Employment and Training Service, Homeless Veterans' Reintegration Program

(HVRP) Grants to Intermediaries for Program Year 2004. Grants to Intermediaries are intended to address two overall objectives; (1) To coordinate services to assist in reintegrating homeless veterans into meaningful employment, and (2) to stimulate the development of effective service delivery systems that will address the complex problems facing homeless veterans. \$1.5 million in FY 2004 funding is available for this program, with grant awards ranging from \$100,000-\$250,000. Applications for funding will be accepted from state and local Workforce Investment Boards, local public agencies, and nonprofit organizations, including faith-based and community-based organizations. Completed applications are due May 13, 2004 and may be obtained online at: <http://www.dol.gov/vets>. Pages 19453-19488.

Department of Health and Human Services, April 14: The Administration for Children and Families has announced the availability of \$1,075,000 to fund a National Resource Center for Community-Based Grants for the Prevention of Child Abuse and Neglect. The Resource Center is expected to train and assist State lead agencies in establishing effective cooperation to further the goals of the Community-Based Child Abuse Prevention Program. Eligible applicants include state and private institutions of higher education, nonprofit organizations, and for-profit organizations, other than small businesses. Please access the Administration's website at www.acf.hhs.gov for more information on this program. Applications are due by June 14, 2004. (Pages 19855-19865.)

Department of Education, April 19: The Department has announced the Community Technology Centers (CTC) Program for FY 2004. The purpose of the program is to assist disadvantaged residents of economically distressed urban and rural communities in developing or expanding community technology centers in order to provide them with access to information technology or related to training. The total funding for the program is \$10,000,000. It is expected that 18 awards will be given

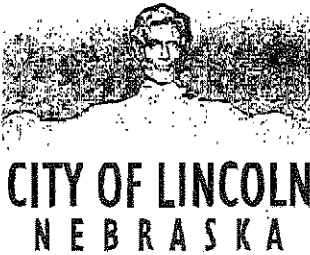
between \$250,000 and \$500,000. Eligible applicants include county and city governments, nonprofit organizations, private institutions of higher education, local education agencies (LEAs), and entities such as libraries and museums. Applications are due June 1, 2004. For more information on the program, please access www.ed.gov. (Grants.gov)

Department of Health and Human Services, April 19: The Administration of Children and Families has announced the availability of funding for the Recreational Services for Children Affected by HIV/AIDS. A total of \$300,000 is available to fund three awards of \$100,000 each. The purpose of the funding is to provide counseling, support services, and respite care in a recreational or camp setting for children and adolescents affected by HIV/AIDS. Supported projects are expected to serve as models for future service provision. Eligible applicants include state, county and city governments, nonprofits, and state controlled and private institutions of higher education. Applications are due by June 18, 2004. Please access www.acf.hhs.gov for more information. (Grants.gov)

Department of Health and Human Services, April 19: The Administration for Children and Families has announced the availability of funding for the Compassion Capital Fund Targeted Capacity Building Program. The purpose of this program is to address the needs of either at-risk youth; the homeless; to provide marriage education to couples to aid in the formation of healthy marriages; or to provide social services to residents in rural communities. The total program funding is \$5,000,000. About 100 awards are expected to be given, with an award ceiling of \$50,000. Eligible applicants include nonprofit organizations, such as faith-based and community-based organizations. Please go to www.acf.hhs.gov for a link to the full grant announcement. Applications are due by May 19, 2004. (Pages 20890-20895.)

Department of Health and Human Services, April 19: The Administration for Children and Families has announced the availability of \$2.7 million for funding for the New Start Local Comprehensive Support Services Project. A total of 3 to 6 projects will be funded with an average award amount of \$450,000. The purpose of this program is to provide support services to prevent the abandonment of infants and young children in hospitals, especially those who have been perinatally exposed to dangerous drugs or to HIV. The program will also work to identify and address the needs of these children. Eligible applicants include state and local governments, nonprofits, private institutions of higher education, and faith-based and community-based organizations. The grantee must provide at least 10 percent of the total approved cost of the project. Applications are due by June 18, 2004. Please access www.acf.hhs.gov for more information. (Pages 20915-20923.)

Department of Health and Human Services, April 20: The Administration for Children and Family Services has announced the availability of FY 2004 funding for the Basic Center Program. The purpose of the Basic Center Program is to provide funding to alleviate the problems of runaway and homeless youth, reunite youth with their families, and strengthen family relationships and stable living solutions for young people. In order to qualify for funding each applicant must provide outreach to runaway and homeless youth; temporary shelter for up to 15 days; food; clothing; individual, group and family counseling. A total of \$17.4 million in FY 2004 funding is available for approximately 180 grant awards. Applicants will be required to provide a 10 percent non-federal cash or in-kind match. Applications for this funding opportunity are due June 4, 2004 and may be obtained online at: <http://grants.gov>. Pages 21121-21135.



NEWS ADVISORY

MAYOR COLEEN J. SENG

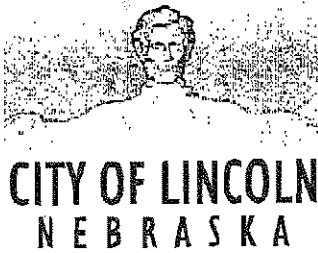
www.ci.lincoln.ne.us**OFFICE OF THE MAYOR**

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: April 28, 2004**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Coleen J. Seng will have a news conference at **10 a.m. Thursday, April 29 just outside the Mayor's Office on the second floor of the County-City Building, 555 South 10th Street.** The Streets, Roads and Trails Committee, appointed by the Mayor in January, will present its report on financing streets in Lincoln.

RECEIVED
APR 28 2004
CITY COUNCIL
OFFICE



NEWS RELEASE

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us**OFFICE OF THE MAYOR**

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: April 29, 2004**FOR MORE INFORMATION: Russ Bayer, (402) 475-7445**

RECEIVED
APR 29 2004
CITY COUNCIL
OFFICE

MAYOR'S STREETS, ROADS AND TRAILS COMMITTEE
ANNOUNCES COMMUNITY DIALOGUE
ON A PLAN FOR BUILDING LINCOLN'S FUTURE

Mayor Coleen J. Seng's Advisory Committee for Streets Roads and Trails announced today that it is asking the community to help choose the way the City should fund future street improvements and construction. The Committee will sponsor five forums in coming weeks to be held throughout the City where citizens can learn about funding options and express their preferences. Brad Korell, Jan Gauger, Russ Bayer and Dan Marvin are the chairpersons of the Committee.

"Whether or not Lincoln can maintain our outstanding quality of life in the future is what drove the committee on the question of how to fund new infrastructure," Bayer said. "Our ability to provide good jobs with good wages and affordable housing while easing traffic congestion and maintaining our fast emergency responses will be jeopardized if we do not act. And if we do act now while interest rates are low, we can ensure Lincoln's future while saving taxpayer dollars."

"Lincoln has arrived at the same crossroads many communities reach as they face their future with open eyes," said Mayor Seng. "Will we move forward and find progressive solutions to our challenges? It is a bigger question than Lincoln's elected officials and local leaders can address without reaching out to our community. We must decide together how we are going to build Lincoln's future."

Mayor Seng was joined at Thursday's news conference by Jim Fram, President of the Lincoln Chamber of Commerce; Mark Munger, President, Lincoln Central Labor Union; Lincoln businessman Richard Meginnis; Jennifer Brinkman, neighborhood association president; Robert Hampton, a local builder; Terry Uland, Executive Director of Neighborhoods, Inc.; and Charlie Claus, executive vice president of the Lincoln Independent Business Association (LIBA).

- more -

Streets Roads and Trails**April 29, 2004****Page Two**

The five "community solution forums" where funding for the \$138 million gap in street funding will be discussed will be held in each of the four City Council districts and a fifth forum meeting will be held downtown. The dates and locations of the forums are:

- May 13 (Thursday), Gere Branch Library, 7 to 9 p.m.
- May 18 (Tuesday), Anderson Branch Library, 7 to 9 p.m.
- May 25 (Tuesday), Eiseley Branch Library, 7 to 9 p.m.
- June 1 (Tuesday), Bennett Martin Public Library Auditorium, noon to 2 p.m.
- June 3 (Thursday), Walt Branch Library, 7 to 9 p.m.

The interim report of the Streets, Roads and Trails Committee is available on the City web site at lincoln.ne.gov.

"The Committee believes that the community should help decide our future," said co-chair Jan Gauger. "We believe that the infrastructure question is a monumental decision that affects every single resident of not only Lincoln, but all of Lancaster County, and the surrounding region."

"Our goal is ensure that every person who wants to contribute their ideas has the opportunity to do so," said co-chair Dan Marvin.



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln Water System
Public Works and Utilities Department

Allan Abbott, Director
2021 North 27th Street
Lincoln, Nebraska 68503
402-441-7571
fax: 402-441-8493

April 21, 2004

Ted Hays
2033 W. "S" Street
Lincoln, NE 68528

RECEIVED

APR 23 2004

CITY COUNCIL
OFFICE

RECEIVED

APR 30 2004

CITY COUNCIL
OFFICE

Dear Mr. Hays:

Councilwoman Annette McRoy asked our Division to respond to your request for a second water meter to be installed at your condominium so that you can eliminate a shared water bill with your adjacent neighbor.

It is our understanding that your premise is in fact considered to be a condominium rather than a townhouse. As a result, your building is only served by a single water service and master meter per the Lincoln Municipal Code, Chapter 17.10.080. A townhouse on the other hand is a group of single family dwellings within a common structure but where each premise is a separately owned parcel of real estate, with a separate street address, and having an individual exterior entrance. In the case of a townhouse, each unit is provided a separate water service and water meter.

It would be expected that the common water service would have been declared to you sometime during the real estate transaction for your condominium. However, the Declaration on file with the Register of Deeds for this property does not specifically identify a common water service and meter. It would be advisable to contact the original developer of the property, your real estate agent or the title company that handled your real estate transaction to discuss this matter further.

We regret that in consideration of the type of premise that you own, specifically a condominium, the Lincoln Water System is unable to provide a separate water service and water meter. In order to remedy this situation, the owner of the lot would have to convert the two condominiums into two townhouses. The single lot which the two condominiums are located would have to be subdivided into separate townhouse lots. The legal description would need to indicate townhouse rather than condominium and new addresses would need to be assigned. Once that is done, the owner will have to hire a licensed plumber, take out a water permit, and change the existing plumbing within the two condominiums. If you are interested in pursuing this option and require additional information on subdividing this property, please contact the Lincoln Lancaster County Planning Department at 441-7491.

Another option would be for you and/or your neighbor to purchase and install a sub-meter in the water service connection between the two condominiums. This would be an arrangement solely between you and your neighbor and the City would not be involved in the installation or reading of the meter. Any local plumbing contractor should be able to assist in evaluating your plumbing system and installing the private sub-meter.

If you have specific questions related to the water service for serving this property, or have other questions related to the Lincoln Water System, please feel free to contact me at 441-5925.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve R. Owen". The signature is stylized with a large, looped "S" and "O".

Steve R. Owen

Superintendent of Water Distribution

cc: Mayor Coleen Seng
City Council
Allan Abbott, Steve Masters, Margaret Remmenga, Jerry Obrist
Doug Luedtke, Lonnie Rech, Ray Hill

Referred to: _____

REQUEST FOR INFORMATION
COUNCIL OFFICE

14040077

By: Annette McRoy - #148
(Council Member)

April 7, 2004
Date

REQUEST: RE: Problem: Town Home with 1 water meter

Would you please respond to the attached Letter and send me a copy of the response. Please
respond to Ted Hays with copy to me. Thanks.

- Annette McRoy

cc: Ted Hays

2033 W. S. Street (28) - **FOR YOUR INFORMATION - COPY OF REQUEST SENT BY
COUNCIL MEMBER. NO RESPONSE REQUIRED FROM YOU**

Mayor's Office

RESPONSE (Indicate action taken):

By: _____

Date _____

COMMENTS:

PLEASE RESPOND WITH 15 COPIES/tjg

RFI #148

Annette McRoy

To: Public Works - Water

RE: Town Home with 1 water meter

Problem:

Town Home with 1 water meter, City Utilities Office says the manner of payment is to only 1 owner & then the other owner & the bill must settle up. This is unacceptable on all counts.

Why, since this is 2 separate addresses, can't there be a water meter for each unit since they are individual units with individual owners sharing only 1 common wall. One owner is single, the other is a family with children. The single owner has a meter he can read. Why is it up to these 2 parties to get together to split a single bill sent out by the City. Again unacceptable.

I want my own meter.

Ted Hays

2033 W. S. Street - (68528)

438-3504

RECEIVED

APR 07 2004

CITY COUNCIL
OFFICE

Referred to: _____

REQUEST FOR INFORMATION
COUNCIL OFFICE

Jon Camp - #86

April 20, 2004

By: _____
(Council Member)

Date _____

RE: Stand-by ambulance service

REQUEST: _____

Would you please respond to the attached E-Mail and send me a copy of the response. Please
respond to Tina Arsiaga with copy to me. Thanks.

- Jon Camp

cc: Tina Arsiaga
420 S. 28th Street (10) - **FOR YOUR INFORMATION - COPY OF REQUEST SENT BY
COUNCIL MEMBER, NO RESPONSE REQUIRED FROM YOU**

Mayor's Office

RECEIVED

APR 21 2004

LINCOLN FIRE DEPT.
FIRE ADMINISTRATION

RESPONSE (Indicate action taken):

By: _____

Date _____

RECEIVED
APR 26 2004
CITY COUNCIL
OFFICE

COMMENTS:

PLEASE RESPOND WITH 15 COPIES/tjg

RFI #

RFI #86

TO: Mike Spadt, Lincoln Fire and Rescue
FROM: Jon Camp, Lincoln City Council
DATE: April 20, 2004
RE: Stand-by ambulance service

RECEIVED

APR 21 2004

**LINCOLN FIRE DEPT.
FIRE ADMINISTRATION**

Relevant Ordinance: Unknown

Constituent Name and Address:

Tina Arsiaga
420 S. 28th Street
Lincoln, NE 68510
Home Phone: 438-0320
Office Phone: 471-8367

Inquiry:

Tina called concerning "stand-by" ambulance service. She and her husband are involved in boxing matches and previously performed at the State Fair Park. During those past engagements, they utilized Midwest Ambulance for stand-by ambulance service.

They will be performing at Pershing very soon and have learned that, by City of Lincoln ordinance, they must utilize Lincoln Fire and Rescue for stand-by services.

Apparently there is a significant cost difference between Midwest Ambulance and LFR.

Would you please:

1. Verify that under City ordinance they are restricted to LFR, or is it possible to use Midwest Ambulance.
2. Explain the charges that LFR would assess for approximately 4 hours of stand-by service.
3. If City ordinance prevents other certified carriers from providing this service, what would be your position to an ordinance change that would allow another carrier to do stand-by?

I believe this is similar to the recent inquiry by Wesleyan University for stand-by services.

Follow-up: Please respond as soon as possible.

Thank you.

Jon Camp

RECEIVED

APR 20 2004

CITY COUNCIL

Lincoln Fire & Rescue Memo

TO: Jon Camp, City Council

FROM: Chief Spadt, Fire Chief

DATE: April 26, 2004

SUBJECT: Response to RFI #86

COPIES TO: City Council members, Mayor, File

I have received your request for information from Tina Arsiaga regarding stand-by ambulance service.

1. The provision for stand-by ambulance service is directed within the Lincoln Municipal Code, Section 7.04.050 titled, "Emergency Ambulance Service". "Emergency Ambulance Service shall mean responding to calls for ambulance service pursuant to an emergency call, and shall include the provision of stand-by ambulance service." (Ord. 17738§5; Oct. 2, 2000)
2. Lincoln Fire & Rescue charges for an Advanced Life Support unit with two personnel would be \$78.00 per hour. For a four hour stand-by service the charge would be \$312.00.
3. I could not support any changes to the ordinance that would change this provision at this time.

Jon, I hope this answers your request. I have enclosed portions of the ordinance that I have cited in this response.

MLS/sy

Chapter 7.04

DEFINITIONS

Sections:

- 7.04.010 Definitions.**
- 7.04.020 Ambulance.**
- 7.04.030 Ambulance Service.**
- 7.04.040 Area of City Service.**
- 7.04.050 Emergency Ambulance Service.**
- 7.04.060 Emergency Call.**
- 7.04.070 Emergency Medical Services.**
- 7.04.080 Emergency Medical Services Oversight Authority or EMSOA.**
- 7.04.090 Emergency Medical Technician (EMT).**
- 7.04.100 Emergency Medical Technician - Intermediate (EMT-I).**
- 7.04.110 Emergency Medical Technician - Paramedic (EMT-P).**
- 7.04.120 License.**
- 7.04.130 Medical Care Protocols.**
- 7.04.140 Medical Director.**
- 7.04.150 911 Center.**
- 7.04.160 Operator.**
- 7.04.170 Patient.**
- 7.04.180 Person.**
- 7.04.190 Routine Ambulance Service.**
- 7.04.200 Stand-by Ambulance Service.**
- 7.04.210 Trip Record.**

7.04.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of Title 7 of the Lincoln Municipal Code unless otherwise provided. (Ord. 17738 §1; October 2, 2000).

7.04.020 Ambulance.

Ambulance shall mean any privately or publicly owned motor vehicle that is especially designed, constructed, or modified, and equipped and is intended to be used and is maintained or operated for the overland transportation of patients, in a reclined position, upon the streets, roads, highways, or public ways of this City, but shall not include or mean any motor vehicle owned or operated under the direct control of any agency of the United States government. (Ord. 17738 §2; October 2, 2000).

7.04.150 911 Center.

911 Center shall mean the emergency communications center operated by the City of Lincoln. (Ord. 17738 §15; October 2, 2000).

7.04.160 Operator.

Operator shall mean any person to whom a license for the operation of a routine ambulance service has been issued. (Ord. 17738 §16; October 2, 2000).

7.04.170 Patient.

Patient shall mean an individual who either identifies himself or herself as being in need of medical attention or upon assessment by an out-of-hospital emergency care provider has an injury or illness requiring treatment. (Ord. 17738 §17; October 2, 2000).

7.04.180 Person.

Person shall mean an individual, firm, partnership, corporation, company, association, joint stock company or association, political subdivision, governmental agency, or other legal entity and shall include any trustee, receiver, assignee, or other legal representative thereof, but shall not include the City of Lincoln or any agency of the United States government. (Ord. 17738 §18; October 2, 2000).

7.04.190 Routine Ambulance Service.

Routine ambulance service shall mean the provision of that ambulance service which is not emergency ambulance service. Routine ambulance service will typically involve the non-emergency transportation of patients in which the point of pick up or destination (or both) is a medical facility, hospital, nursing home, skilled nursing facility, medical practitioner's office, or out-patient diagnostic or treatment center, and includes calls received by the 911 Center that are referred to an operator for dispatch based upon the 911 Center's assessment that the call is not an emergency call at the time it is received by the 911 Center. (Ord. 17738 §19; October 2, 2000).

7.04.200 Stand-by Ambulance Service.

Stand-by ambulance service shall mean the positioning of an ambulance and crew at the location of a publicly or privately sponsored event for the purpose of providing out-of-hospital emergency medical services as may become necessary at such event, and shall include the positioning of an ambulance and crew in conjunction with law enforcement or firefighting activities. (Ord. 17738 §20; October 2, 2000).

7.04.210 Trip Record.

Trip record shall mean a record of each person transported and shall include at least the following information: the patient's name, age or date of birth, sex, address, time ambulance was first requested, time ambulance arrived at the scene or address, time ambulance reached its destination, to what destination the patient was transported, the condition of the patient upon arrival at the scene and upon arrival at the destination, whether or not medical treatment was administered, and the names of the ambulance personnel that were dispatched. (Ord. 17738 §21; October 2, 2000).

7.04.030 Ambulance Service.

Ambulance service shall mean the provision of transport via ambulance, the provision of out-of-hospital emergency medical care to a patient from or in an ambulance, the trip to the site of a patient for the purpose of providing transport or out-of-hospital emergency medical care, the trip to or from any point in response to a medical emergency dispatch from the 911 Center. The term ambulance service shall encompass emergency ambulance service and routine ambulance service. (Ord. 17738 §3; October 2, 2000).

7.04.040 Area of City Service.

Area of City service shall consist of the corporate limits of the city, as the same may expand, and all unincorporated areas of the county and surrounding incorporated cities and villages or rural fire districts with whom the city may have an inter-local agreement for the provision of emergency ambulance service. (Ord. 17738 §4; October 2, 2000).

7.04.050 Emergency Ambulance Service.

Emergency ambulance service shall mean responding to calls for ambulance service pursuant to an emergency call, and shall include the provision of stand-by ambulance service. (Ord. 17738 §5; October 2, 2000).

7.04.060 Emergency Call.

(a) Emergency call shall mean a request for ambulance service by or for a patient whose apparent condition, at the time of the call, presumptively meets the criteria for classification under the prioritization of calls system of protocols used by the National Academy of Emergency Medical Dispatch (NAEMD) and which is approved and employed by the City, as a Bravo, Charlie, Delta, or Echo, or which presumptively meets the criteria for classification under the medical care protocols as requiring response by a quick response team (QRT), or which presumptively meets the criteria for classification under the medical care protocols as requiring response by an ambulance with lights and/or sirens, and except as provided for below, shall include any call for ambulance service received by the 911 Center, wherein the patient's point of origin is within the corporate limits of the City.

(b) The following calls for ambulance service are not emergency calls even if received by the 911 Center:

(i) Calls that presumptively meet the criteria for classification under the prioritization of calls system of protocols used by (NAEMD), and which is approved and employed by the City, as Omega (provided medical care protocol does not require lights and/or siren response by the ambulance and does not require QRT response);

(ii) Calls in which the caller indicates arrival of the ambulance is not expected or desired for greater than two hours from the time of the call (provided such call does not fit any category listed in the definition of emergency call found in (a) above). (Ord. 17738 §6; October 2, 2000).

7.04.070 Emergency Medical Services.

Emergency medical services shall include all out-of-hospital emergency medical care, emergency ambulance service and routine ambulance service. (Ord. 17738 §7; October 2, 2000).

RECEIVED

Public Works & Utilities Dept.
Referred to: _____

Randy

APR 27 2004 REQUEST FOR INFORMATION
CITY COUNCIL COUNCIL OFFICE
OFFICE

4040179

By: Jon Camp - #87
(Council Member)

April 20, 2004
Date

REQUEST: RE: "A" Street parking

Would you please respond to the attached E-Mail and send me a copy of the response. Please
respond to Darrell Stock with copy to me. Thanks.

- Jon Camp

cc: Darrell Stock - dstock@inebraska.com. - FOR YOUR INFORMATION - COPY OF
REQUEST SENT BY COUNCIL MEMBER, NO RESPONSE REQUIRED FROM YOU

Mayor's Office

RESPONSE (Indicate action taken):

By: Randy Hoskins

4/23/04
Date

This was answered via attached e-mail

COMMENTS:

PLEASE RESPOND WITH 15 COPIES/tjg



JonCampCC@aol.com

04/20/2004 11:28 AM

To: jray@ci.lincoln.ne.us

cc: dpodany@ci.lincoln.ne.us (Darrell Podany)

Subject: RFI--Darrell Stock and Trinity Methodist Church--A Street parking

RFI # 87

To: Public Works Utilities Dept

Joan:

Please compose and send an RFI pertaining to the following:

Apparently there is a proposal to ban parking on the north side of A street from 16th to 13th Darrell Stock, a long time member of Trinity, is concerned over the loss of this parking and the effect it may have on the neighborhood. If parking is banned, Trinity will lose about 12 to 15 spaces which will result in either people parking on the side streets or cause Trinity to tear down a house or two to create parking spaces, either of which is not in the best interests of the neighbors.

Is there an alternative, such as restricting parking to days other than Sundays? Or, is this parking ban necessary at all?

Please see that Darrell Stock receives a response as there is a planned meeting on April 27th on this matter.

Darrell can be reached at his email: dstock@inebraska.com.

Thank you for getting this out ASAP.

Jon Camp

Office: 474-1838
Home: 489-1001
Cell: 560-1001

RECEIVED

APR 20 2004

OFFICE



Randy W Hoskins

04/23/2004 01:07 PM

To: dstock@inebraska.com

cc: Maggie Kellner/Notes@Notes, Nicole Tooze/Notes@Notes, Karen K
Sieckmeyer/Notes@Notes, CAMPJON@AOL.COM@Notes

Subject: Re: A Street Parking

Mr. Stock:

The concerns you raised with Jon Camp regarding the removal of parking along A Street were forwarded to me for response.

In an effort to minimize the impact of roadways on neighborhoods, the City has long had a policy of taking incremental steps when it comes to the safety and efficiency of the major arterial streets in town. Going in and widening a street that needs extra lanes causes loss of trees and yard space to adjoining residences, moving traffic closer to homes and potentially increasing the amount of noise to which the residents are subjected. Rather than widening a street as the first step in the process, we have chosen to look at less drastic steps as a first choice.

As the City of Lincoln continues to grow, so does the traffic on our streets, at an even greater rate than the increase in population would suggest. As a result, traffic congestion is increasing. With increases in congestion, the number of traffic crashes also typically increases.

It is with this in mind that we've recommended restriping A Street to provide a center left turn lane between 10th St and 27th St. Based on our information, there have been 114 crashes within this stretch of roadway in the last three years. Of that total number, 49 could have been prevented had there been a center turn lane in place during that time. This equates to about one crash per block per year that is preventable.

The installation of a center left turn lane will also improve traffic efficiency along A St. Vehicles turning left off of A St into driveways or other streets must stop in the through lane of traffic and wait for opposing traffic to clear. This also requires vehicles behind the turning vehicle to also wait until the turn is made before they can proceed. This creates considerable delay to motorists in this corridor which can be avoided with the implementation of a center turn lane. The delay that is eliminated results in less gasoline burned and cleaner air due to less pollution created.

We are aware that there is a down side to this approach also. Our counts indicate that approximately 62 parking spaces will be lost along this stretch of A St, 12-15 in the vicinity of the Trinity Church as you mentioned. The removal of parking typically removes the occurrences of pedestrians being hit by cars when stepping out from behind parked vehicles, but it may also increase the speed of traffic along the street.

We are willing to work with the Church and other affected owners along A St to minimize the impacts this change will have on them. We had discussed the possibility of creating setback parking for the church, where the curbs are moved back into the property to create new parking spaces. This could easily make up for the lost spaces, however the cost for setback parking has traditionally been paid for by the entity requesting the parking. The Church has also asked if the parking restrictions could be limited as far as time or days. Unfortunately, we have no way of changing the color or pattern of pavement markings by time of day, so that is not possible. It is also a problem that the peak pick up and drop off times of the Church's daycare coincide with the busiest times of the day on the street, again making changes to the center turn lane not a feasible alternative.

As I believe you are aware, we will be holding a public meeting to discuss the striping changes at the Church on Tuesday, April 27, at 7 PM. At that time we will present much of this same information and discuss concerns and options with those in attendance. If you have any additional questions, feel free to contact me.

Sincerely,

Tim K. Johnson
4333 E St.
Lincoln, NE 68510

April 3, 2004

Dear Council Member,

I wish to express my hope that the original language in the recently passed floodplains ordinance be re-instated. An adequate green buffer zone will be very important for the future ecological health of our streams, rivers and ultimately, the groundwater on which we all depend. To emphasize "minimizing" indicates to me that development at all cost is the current thinking and taking the long term future is not of sufficient importance. Thank you for your time.

Sincerely,

Tim Johnson

P.S Please
respond to me with
a letter.

Memo

To: Jon Camp, City Council, SE District Representative

From: Bill Bucher, Principal Lux Middle School

Date: 03/24/04

Re: Star Tran Bus Route

Jon, just a note about Star Tran bus routes that serve Lux Middle School. We currently have 3 buses that transport students to and from school. The service is outstanding, and I greatly appreciate the cooperation of both drivers and supervisors in this continuing service. The current service extends to the north of Lux, basically north of A and also in the Trendwood Park area. However, there is growing support of parents to have a route south of Lux, south of Pioneers and Old Cheney Road. If the service is available and your budget would allow this, we at Lux would also be supportive. The area south of Old Cheney Road at one time was once served by LPS buses, before budget cuts. If okayed by the City Council, these routes would provide safer transportation of students to and from Lux and provide less automobile traffic around Lux, before and after school.

Please know we greatly understand shrinking budgets and increasing requests from the public. This note is simply a gesture of support. If you have questions, please let me know.

I hope your children are doing well.

Thank you.

RECEIVED

APR 26 2004

CITY COUNCIL
OFFICE

RECEIVED
APR 27 2004
CITY COUNCIL
OFFICE

RESOLUTION NO. A-_____

BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of
Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City
Treasurer is hereby directed to hold said investments until maturity unless
otherwise directed by the City Council.

INTRODUCED BY:

Approved:

Don Herz, Finance Director

Approved this ____ day of _____, 2004

Mayor

**FINANCE DEPARTMENT
TREASURER OF LINCOLN, NEBRASKA
INVESTMENTS PURCHASED
APRIL 19 THRU APRIL 23, 2004**

April 19, 2004, we cashed \$8,450,000 out of the Short Term Pool. We then added to that amount and invested \$10,036,000 as follows:

\$15,000	Nebraska Public Agency Investment Trust at Union Bank
\$21,000	First American Government Obligation Fund at US Bank
\$2,500,000	CD, purchased at par, rate of 1.02% maturing July 1, 2004
\$2,500,000	FNMA, discounted 99.939%, costing \$2,498,476.25, yielding .970492%, maturing May 12, 2004, in the Mid Term Pool
\$5,000,000	FNMA, discounted 99.776%, costing \$4,988,808.33, yielding 1.039326%, maturing July 7, 2004 in the Short Term Pool

April 20, 2004, the Police and Fire Pension Fund sold a \$5,738,000 CMO due April 25, 2033. Total proceeds received were \$4,445,000. We then invested in a \$4,350,000 Dreyfus Government Fund at Wells Fargo Bank in the Short Term Pool.

April 20, 2004, we cashed a \$3,101,000 First American Government Obligation Fund at US Bank out of the Short Term Pool. We then invested \$2,500,000 in a FHLMC, purchased at a premium of 100.456%, costing \$2,511,400 plus accrued interest of \$19,791.67, yielding 1.055536% maturing July 15, 2004.

An investment of \$2,500,000 matured April 22, 2004 and we immediately cashed along with a \$6,090,000 Dreyfus Government Fund at Wells Fargo Bank in the Short Term Pool. We then invested \$10,000,000 as follows:

\$5,000,000	FNMA, discounted 99.7124%, costing \$4,985,620.83, yielding 1.034893%, maturing August 2, 2004
\$5,000,000	FNMA, discounted 99.745%, costing \$4,987,250, yielding 1.039651%, maturing July 21, 2004

April 22, 2004, we received bond proceeds as follows:

\$5,407,000	Mega Plex / Old Federal Building TIF Bonds
\$1,022,000	Lincoln Mall Revitalization TIF Bonds

From the above proceeds we invested in a \$6,436,000 First American Government Obligation Fund at US Bank in the Short Term Pool.

April 23, 2004, we cashed a \$1,200,000 Dreyfus Government Fund at Wells Fargo Bank out of the Short Term Pool. We then added to that amount and invested \$9,125,000 as follows:

\$2,000,000	CD, purchased at par, rate of 1%, maturing July 1, 2004
\$3,000,000	CD, purchased at par, rate of 1.03%, maturing July 1, 2004
\$3,000,000	Freddie Mac, discounted 99.73347%, costing \$2,992,004.17, yielding 1.029577%, maturing July 27, 2004
\$1,125,000	First American Government Obligation Fund at US Bank

An investment of \$2,000,000 matured April 23, 2004, and we immediately cashed and reinvested that same amount in a FHLB, purchased at par, yielding 3.67%, maturing April 23, 2009 in the Mid Term Pool.

We respectfully request approval of our actions.

Don Herz, Finance Director

Melinda J. Jones, City Treasurer



Lincoln Fire & Rescue
Mike Spadt, Fire Chief
1801 "Q" Street
Lincoln, Nebraska 68508



402-441-7363
fax: 402-441-7098



LINCOLN
The Community of Opportunity

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

April 27, 2004

James E. Kamas
6148 Old Farm Ct
Lincoln, NE 68512

RECEIVED

APR 28 2004

**CITY COUNCIL
OFFICE**

Dear Mr. Kamas,

I appreciate the opportunity to address your billing concerns. On February 6, 2004, I sent you a letter with my responses to your January 30th letter. I have included this letter for your reference.

Your most recent letter references money that was sent to Lincoln Fire & Rescue from Medicare and Mutual of Omaha, creating an overpayment of \$23.70 due to you.

Our February 6th letter had indicated that we had placed your account on hold to see if the Veterans Administration would pay. On February 24, 2004, the Veterans Administration paid us \$554.25, the full amount due.

Medicare rescinded their denial decision and sent us a check received April 24th, for the amount of \$300.82 which was promptly processed as a refund back to Medicare due to the Veterans Administration being the primary payer for your services. We have not received any further payments on your behalf.

In regards to the \$23.70 overpayment due to you from Lincoln Fire & Rescue, we believe this to be an incorrect statement since we have refunded Medicare for \$300.82 and have not received payment from Mutual of Omaha. When the Veterans Administration pays the provider (Lincoln Fire & Rescue) the VA may bill the insurance company for reimbursement. Your Explanation of Benefits from Mutual of Omaha shows the payer as US Veterans. I have enclosed a copy with this highlighted. The VA has been reimbursed in the amount of \$277.13. I am assuming that once Medicare receives our refund, they may forward that amount to the VA. This then would create an overpayment of \$23.70. I would suggest that you contact the VA if you are concerned this money is due to you directly.

Sincerely,

Michael L. Spadt
Fire Chief

Enclosures

April 22, 2004
Michael L. Spadt, Chief
Department of Rescue
City of Lincoln
1801 Que Street
Lincoln, Nebraska 68508

RECEIVED

APR 27 2004

LINCOLN FIRE DEPT.
FIRE ADMINISTRATION

I see, Chief Spadt, the good people at Medicare and my good friends at Mutual of Omaha have paid for your claim dated back to August '03.

You implied the good provider (s) Medicare and Mutual of Omaha would not pay you for taking me to the hospital when I had a stroke last August '03, and since they would not pay, you billed me personally.

I want you to know this: you are the ONLY service provider who has billed me directly for services – without explanation of why the billing was made directly to me and not billed to the benefit providers Medicare Mutual of Omaha, both excellent firms

A simple 14 line letter from this stroke victim farm boy brought you more than you billed in a reasonable period of time. I expect you to issue me a check for \$23.70 which the amount you were overpaid.

I am also disappointed that you did not acknowledge receiving the payment (s), you would think that would be the least you could do,.....I am not asking for thank you(s) for myself, just acknowledgement that all the money has been collected, without a problem, and someone from outside of the city staff made this possible, even though it was only a mere farm boy!!

I MUST point out that the people from MEDICARE and MUTUAL OF OMAHA are excellent providers, just look what they have done for me!

One last item. How would you like to be sitting in my chair never knowing what to expect and if the next emergency was the final one, would my sweet wife Jo Ann have to face the same situation?

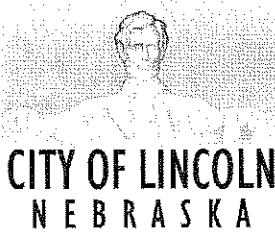
If my letter is not perfect, remember that I cannot read more than two lines at a time, but I'm getting there!

Sincerely,



James E. Kamas, 6148 Old Farm Ct., Lincoln, NE 68512

cc; Mayor Seng/Camp/Friendt/~~Subveda~~ Medicare/Mut. of Oma
Subveda



NEWS RELEASE

MAYOR COLEEN J. SENG



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
3140 N Street, Lincoln NE 68510 • Phone: 441-8000
Fax: 441-8323 or 441-6229

FOR IMMEDIATE RELEASE: April 26, 2004
FOR MORE INFORMATION: Shawni Cook, R.N.; BSN
IAP Coordinator
441-4680

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APR 27 2004
CITY COUNCIL
OFFICE

National Infant Immunization Week from April 25-May 1.

The Lincoln-Lancaster County Health Department's LIVE (Lincoln-Lancaster County Immunization and Vaccination Effort) Coalition announces the celebration of National Infant Immunization Week from April 25-May 1, 2004. Over 500 communities in the United States are expected to participate in this national effort to celebrate our success in getting infants immunized. The week also acknowledges our ongoing efforts in educating our communities regarding the necessity of immunizations (vaccines) for infants.

The childhood immunizations recommended by the Centers for Disease Control and Prevention (CDC) include Hepatitis B, Diphtheria, Tetanus, Pertussis, Haemophilus influenza Type b (Hib), Polio, Measles, Mumps, Rubella, Pneumococcal pneumonia, Varicella (Chickenpox). Beginning this fall the recommendations will include a Flu shot (Influenza) for children aged 6 months through 23 months.

"As a community, we all contribute to the health and protection of our children by being properly immunized," says Shawni Cook, R.N.; Immunization Action Plan Coordinator with the Lincoln-Lancaster County Health Department.

In every community, there are factors that prevent children from being properly immunized. For example:

- some children with medical conditions may not be properly immunized
- some infants who are not old enough to have received all the necessary immunizations
- some children that are behind on their immunizations.

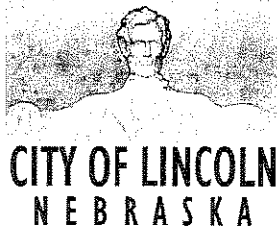
These children are at risk in the event of an epidemic. Having a high percentage of our community's adults and children fully immunized provides indirect protection to these susceptible children by reducing their risk of exposure to vaccine-preventable diseases. The list of complications that can result from vaccine-preventable diseases can include deafness, mental retardation, tissue damage, meningitis (inflammation of the membranes around the brain and spinal cord), seizures, pneumonia, arthritis, infections, severe pain, and even death.

The LIVE Coalition encourages parents, care-givers, and others to learn more about childhood immunizations and how to protect children against the potentially life threatening vaccine-preventable diseases.

Things parents can do:

- Get your children immunized on time and maintain an immunization schedule
- Make sure your day care provider requires up to date immunizations
- Keep a current immunization schedule with you at all times
- Keep your healthcare provider notified of immunizations received at other locations
- Get a current immunization record before you move or change healthcare providers to avoid having to re-immunize your child.
- Know what is an expected reaction to a "shot" and report any concerns to your health care provider or local health department
- Read the Vaccine Information Statement (VIS) you are required to receive before your child gets an immunization (these are available in many languages)
- Call your healthcare provider or local health department should you have questions on immunizations.
- Get involved in community efforts to promote childhood immunizations

One of public health's greatest success stories is preventing disease by getting children immunized. The LIVE Coalition will continue to work toward its goal that Lincoln and Lancaster County citizens will never know the devastation and death that vaccine-preventable diseases such as Polio and Diphtheria can cause to our children.



NEWS RELEASE

MAYOR COLEEN J. SENG



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

3140 N Street, Lincoln NE 68510 • Phone: 441-8000

Fax: 441-8323 or 441-6229

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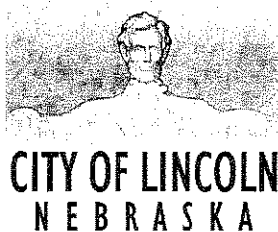
APR 27 2004

CITY COUNCIL
OFFICE

FOR IMMEDIATE RELEASE: April 26, 2004
FOR MORE INFORMATION: Brian Baker, Injury Prevention Program, 441-8046
Susan Epps, Madonna Rehabilitation Hospital, 483-9508

NEWS CONFERENCE TODAY

Mayor Seng will kick off National SAFE KIDS Week with a news conference to highlight the week's activities. The news conference will be held at **9:00 a.m., Monday, April 26, 2004** in the **Flanagan Conference Room at Madonna Rehabilitation Hospital, 5401 South Street**, (enter from the 52nd Street entrance on the west side of the Hospital). Featured speakers include Sarah Johansen, who suffered a serious diving-related injury; Dr. Gary Wang, Physiatrist, overseeing treatment of traumatic brain injuries at Madonna Rehabilitation Hospital; Mike Fenello, Vice-President of Business Operations, Madonna Rehabilitation Hospital; and Bruce Dart, Health Director, Lincoln-Lancaster County Health Department.



NEWS RELEASE

MAYOR COLEEN J. SENG



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

3140 N Street, Lincoln NE 68510 • Phone: 441-8000

Fax: 441-8323 or 441-6229

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APR 27 2004

CITY COUNCIL
OFFICE

FOR IMMEDIATE RELEASE: April 23, 2004

FOR MORE INFORMATION: Brian Baker, Injury Prevention Program, 441-8046
Susan Epps, Madonna Rehabilitation Hospital, 483-9508

FREE FAMILY SAFETY EVENT SET FOR MAY 7

Local coalition focusing on water safety as part of National Safe Kids Week

Summer, often referred to as "trauma season" by health and medical professionals, will soon be here, and the Lincoln-Lancaster County SAFE KIDS Coalition encourages parents and other child care providers to take steps to make this summer fun and trauma-free. The Coalition will host the **Ultimate SAFE KIDS Day** from **5 to 8 p.m. Friday, May 7, at SouthPointe Pavilions.**

Deaths from unintentional injuries remain the leading cause of death for children 14 years of age and younger in the U.S. and Lancaster County. From 1999 through 2002, 16 local children ages 14 and younger died as a result of an unintentional injury and nearly 12,000 were treated in emergency rooms for unintentional injuries.

Mayor Coleen J. Seng today issued a proclamation declaring May 7 as "Ultimate SAFE KIDS Day" as part of National SAFE KIDS Week May 2 through 8. The Ultimate SAFE KIDS Day will include activities and information on keeping children safe at home, on the playground and in the car. The Coalition is emphasizing water safety, with the theme, "Splash Into Safety."

"Children spend much more time outside when they are not in school and the weather is nice, so we all need to do our part to keep them safe," said Mayor Seng. "Motorists need to be especially careful in neighborhoods and around parks and pools. I am very pleased that the SAFE KIDS Coalition is focusing on the prevention of drowning and near-drowning, a leading cause of death and injuries for our children."

For children ages one to four, drowning is the leading cause of death from unintentional injuries. In Lancaster County, 166 children were treated in emergency rooms for near-drowning injuries from 2000 through 2002. The national average cost of a near-drowning injury is \$75,000. As many as 20 percent of near-drowning survivors suffer severe, permanent disabilities, and the cost of a single near-drowning that results in brain damage can be more than \$4.5 million. Information on drowning prevention attached.

- more -

Activities at the Ultimate SAFE KIDS Day will include:

- A simulated roll-over crash
- An electricity demonstration from the Lincoln Electric System
- The sale of bike helmets at reduced cost with custom fitting
- A fire safety smoke tent
- A bike handling demonstration by Bicycle Officers with the Lincoln Police Department
- Interactive educational displays and demonstrations

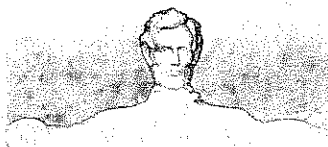
A special feature will be the Recall Round-Up. The SAFE KIDS Coalition and McDonalds® will provide a \$10 cash reward for the first 50 recalled items that meet listed criteria. Items sought include baby walkers, playpens, cribs and baby gates as found on recall list www.recalls.gov and car safety seats that are on a recall list, are over 9 years old or were purchased second-hand.

For more information on the Ultimate SAFE KIDS Day, contact Brian Baker, 441-8046, at the Lincoln-Lancaster County Health Department.

- 30 -

DROWNING PREVENTION

- Install four-sided isolation fencing, at least five feet high and equipped with self-closing and self-latching gates, around a home pool or spa. Fencing should completely surround swimming pools or spas and prevent direct access from a house or yard. Installation of this fencing could prevent 50 to 90 percent of childhood residential swimming pool drownings and near-drownings. Door alarms, pool alarms and automatic pool covers, when used correctly, can add an extra level of protection.
- Always wear a U.S. Coast Guard approved personal flotation device (PFD) when on a boat, near open bodies of water or when participating in water sports. Air-filled swimming aids, such as water wings, are not considered safety devices and are not substitutes for PFDs. It is estimated that 85 percent of boating-related drownings could have been prevented if the victim had been wearing a PFD. In 2000, only one-third of the children ages 14 and under who drowned in boating-related incidents were wearing PFDs.
- Never leave a child unsupervised in or around swimming pools, spas or any other water source even for a moment. Never rely on a PFD or swimming lessons to protect a child.
- Learn CPR, and keep rescue equipment, a telephone and emergency numbers poolside.
- Never prop open the gate to a pool barrier or leave toys in and around the pool.
- Never dive into water less than nine feet deep.
- Children ages 14 and under should never operate a personal watercraft.



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln-Lancaster County
Health Department
Bruce D. Dart, MS, Health Director
3140 "N" Street
Lincoln, Nebraska 68510-1514
402-441-8000
TDD: 402-441-6284
fax: 402-441-8323
health@ci.lincoln.ne.us



April 27, 2004

Irma Sarata
2000 SW 47th Street
Lincoln, NE 68522

RECEIVED

APR 28 2004

CITY COUNCIL
OFFICE

Dear Ms. Sarata:

I have received your letter detailing your concerns about the development of Long View Estates and will try to respond to those areas that are relevant to the regulations of the Lincoln-Lancaster County Health Department (LLCHD).

The LLCHD has no specific regulations or authority over the design engineering, construction and management of community sewage systems. The Nebraska Department of Environmental Quality (NDEQ) regulates these systems. However, since construction was started, the NDEQ has kept the LLCHD current on the progress of the system. Changes to the initial design system must be approved by NDEQ. In addition, NDEQ has invited staff of the LLCHD to accompany them on inspections during the initial phases of construction. NDEQ has also worked with the City of Lincoln's Building and Safety Department to ensure that only the specific number of houses are built that the current sewage system can accommodate.

If the proposed system is constructed and operated according to the standards for Community Wastewater Systems as regulated by NDEQ, the system should not create public health concern. If the system does become a public health concern, the LLCHD will work with the NDEQ to immediately resolve the problem.

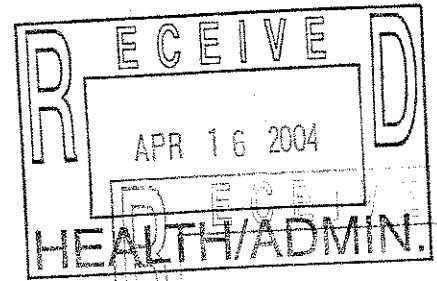
Concerns have also been expressed about raw sewage going directly into a lagoon for treatment. The LLCHD has approved this method of sewage disposal for individual homes throughout the county. There are numerous communities that use lagoons for the treatment of their wastewater including the village of Denton and the neighborhood community of Cardwell Woods.

If you still have specific concerns about the Longview wastewater treatment system, I would suggest that you contact Mr. Charles Duerschner, P.E., Review Engineer with NDEQ at 471-4206 or John Chess, REHS, Water Quality Supervisor at the LLCHD at 441-8027.

Sincerely,

Bruce D. Dart, MS
Health Director

Lincoln City Council
555 S. 10th St.
Lincoln, NE 68508



Re: Long View Estates

Dear City Council members:

As a neighbor to the north of the Long View Estates development, which was approved by the City Council in December 1999, I think it is time for you to receive an update on how the development is progressing, from a neighbor's perspective. I would also like to ask some questions.

In 1999, the City Council members were: Coleen Seng, Jeff Fortenberry, Cindy Johnson, Jerry Shoecraft, Jon Camp, Jonathan Cook and Annette McRoy. When Resolutions 99R-338, 99R-356, and 99R-357 were approved, the plan for Long View Estates looked like that in Plan #1, (see attached pages).

The preparation of the land for development began in late 2000 or in the Spring of 2001, (Excuse me, if I do not have the exact dates). A few homes were built. Sometime in late 2001 or early 2002, I learned from a neighbor who had contact with staff at the Department of Environmental Quality (DEQ) that work on the development had been halted. The reason for the stoppage was that the owners had not obtained the permits for the septic system and finishing pond. The development was scaled back. Please note the the drawing of the final plat in Plan #2.

This past summer, 2003, we neighbors noticed that there was construction of another finishing pond (or so we thought) to the north of the first one in Outlot B. See the highlighted area in Plan #3. We later learned that what we thought was a finishing pond was, in fact, a large lagoon. It was being constructed because the original septic system and finishing pond would not be adequate for the intended number of homes—51. Lyle Loth told my neighbor that if the original finishing pond gets too full, it would be drained into the lagoon.

This fall, we learned that the lagoon, now completed, was in violation of the easement requirements for the LES powerlines that run along the west side of Long View Estates. LES required the developers to move the lagoon further east in order to provide a 50 foot easement for the powerlines. This relocation has now been accomplished. We waiting to hear from LES if the required easement was met.

A neighbor and I have both spoken to DEQ staff who told each of us separately that the lagoon, which I will refer to as lagoon #1, will have raw sewage going directly

into it. That person also told me that an escrow account was being established to provide monies for a second lagoon should lagoon #1 not provide adequate capacity for the 51 homes. This second lagoon, if needed, will be constructed in Outlot A, near SW 47th Street as it enters the development from the north. See Plan #4.

When the City Council originally approved the Long View Estates development, there was praise from the Council for the development because of the conservation easements and the common open spaces. As you can see from the figures provided, the owners/developers, Hub Hall, his son, and Lyle Loth, have reduced the amount of common open space, added one large lagoon, and possibly a second one to the neighborhood. Would either the past or present Council praise this development now?

When I asked the DEQ staff person if there was any agency that had any oversight or authority to review changes that a developer makes in the original development plan, he told me that essentially the owner/developer can do anything they want with the land after the plan is approved.

Is this DEQ staff person correct? How can that be? Doesn't the Planning Department, the Planning Commission or the City Council have to approve revisions? Is there any recourse for the neighbors of this development? Who will listen to our concerns? The County Commissioners to whom we pay our taxes did not listen to us. The proposal went to the City Council, to whom we don't pay taxes, because we are within 3 miles of the Lincoln City limits. We can't seem to hold anyone accountable.

What about public health concerns? The Lancaster County Public Health Dept. thought the original plan was fine. What would they say now? What about the State Health Department? Shouldn't their recommendations be considered?

When the development is complete and the developers move on, who will be responsible for the maintenance of the septic system, finishing pond and lagoon(s)? The residents of Long View Estates? Are they aware of that?

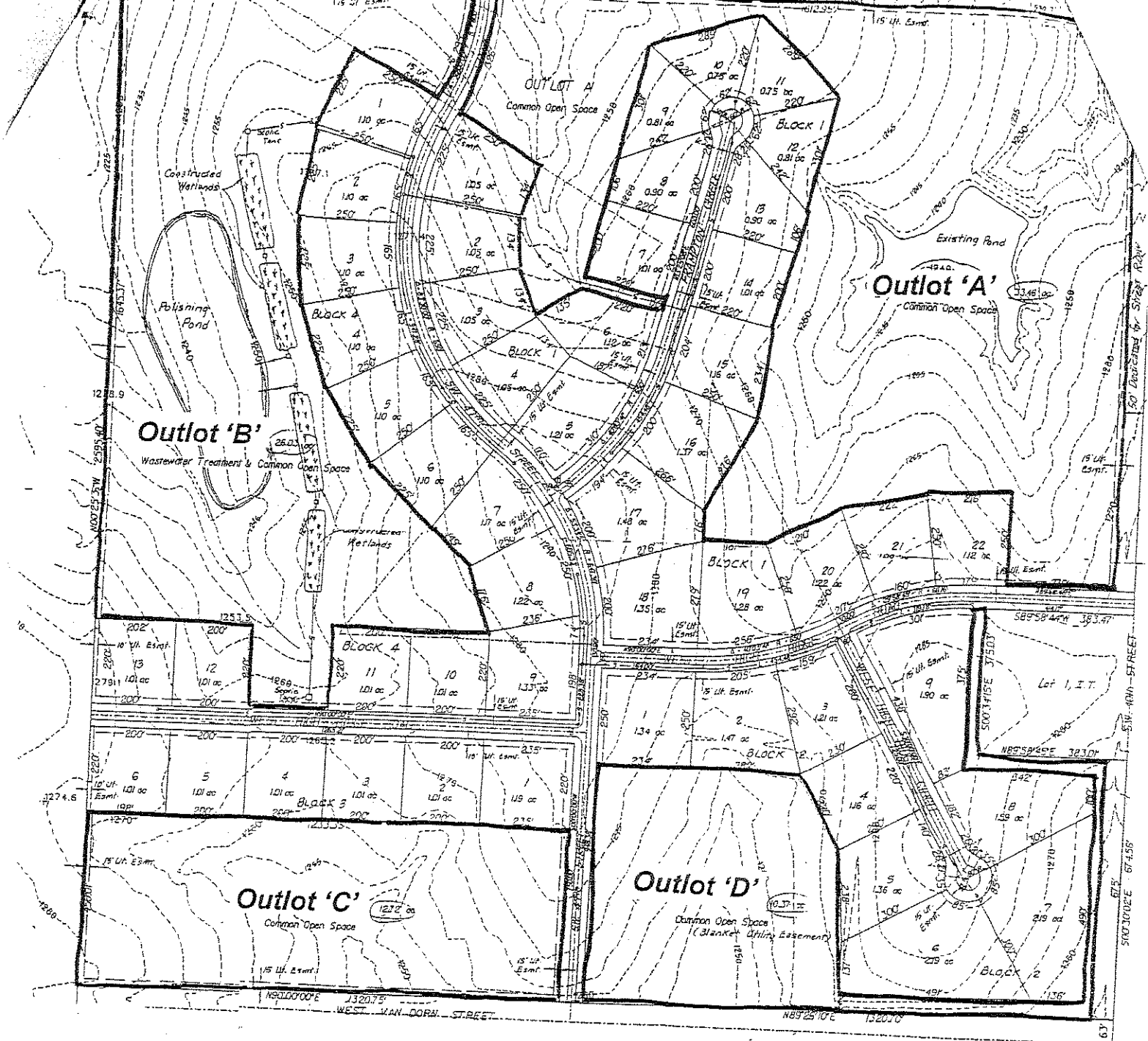
In conclusion, I expect and would appreciate feedback/answers from any of the following governing bodies: Lincoln City Council, Mayor Coleen Seng, Lancaster County Commissioners, Lincoln-Lancaster County Planning Dept., Lancaster County Health Dept., State of Nebraska Health Dept., DEQ and NRD.

Sincerely,



Irma Sarata,
2000 SW 47th St.
Lincoln, NE 68522

cc: County Commissioners, Mayor Seng,
Planning Dept., Planning Commission,
County and State Health Depts., DEQ, NRD



Comprehensive Plan Conformity #99010
 Long View Estates
 Conservation Easement
 SW 40th & W Van Dorn

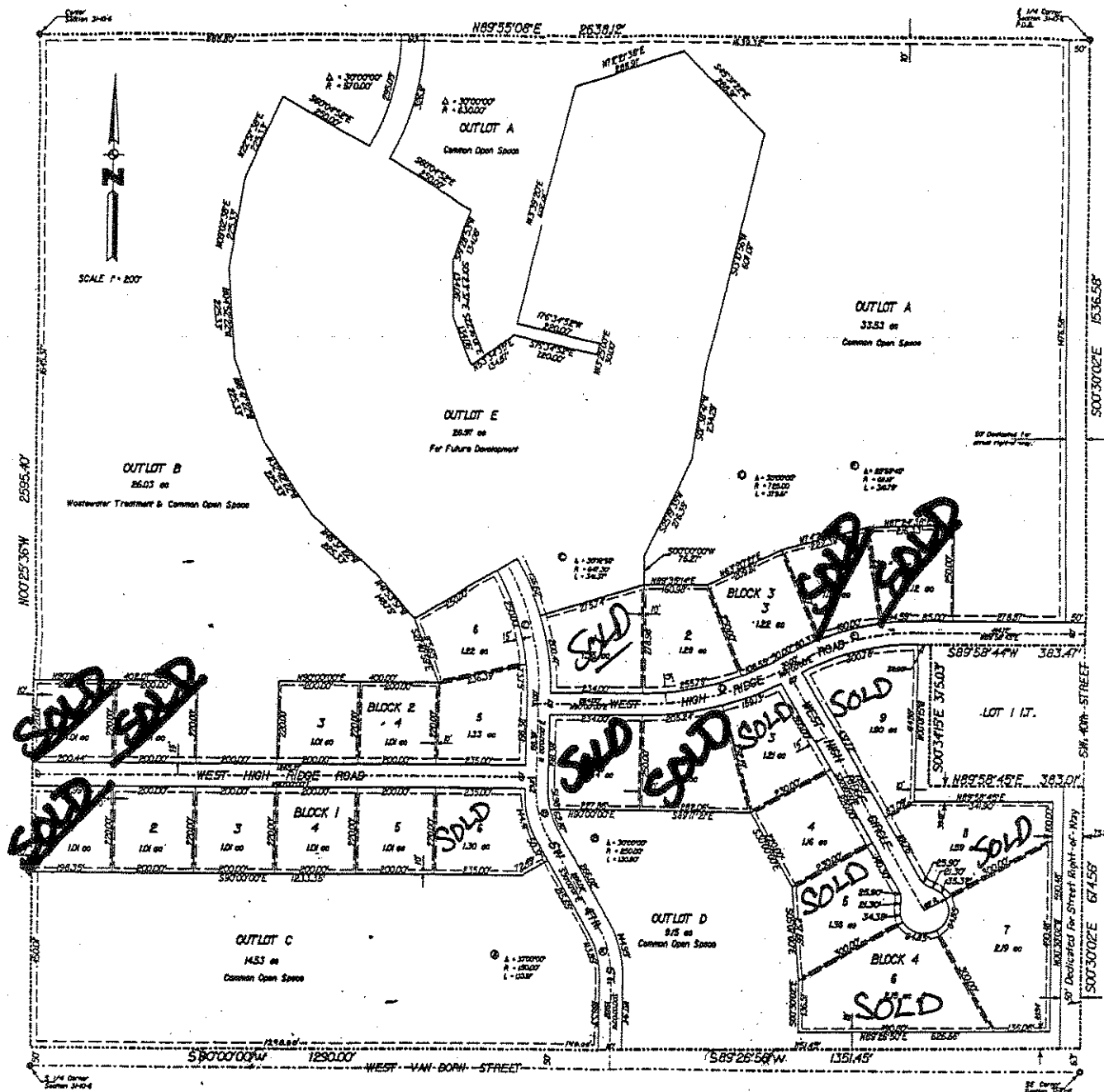
Plan #1

Scale: 1"=150'
 July, 1999

Contours are UTM 85 (Mean Sea Level)

LONG VIEW ESTATES

A FINAL PLAT OF 26 LOTS & 5 OUTLOTS



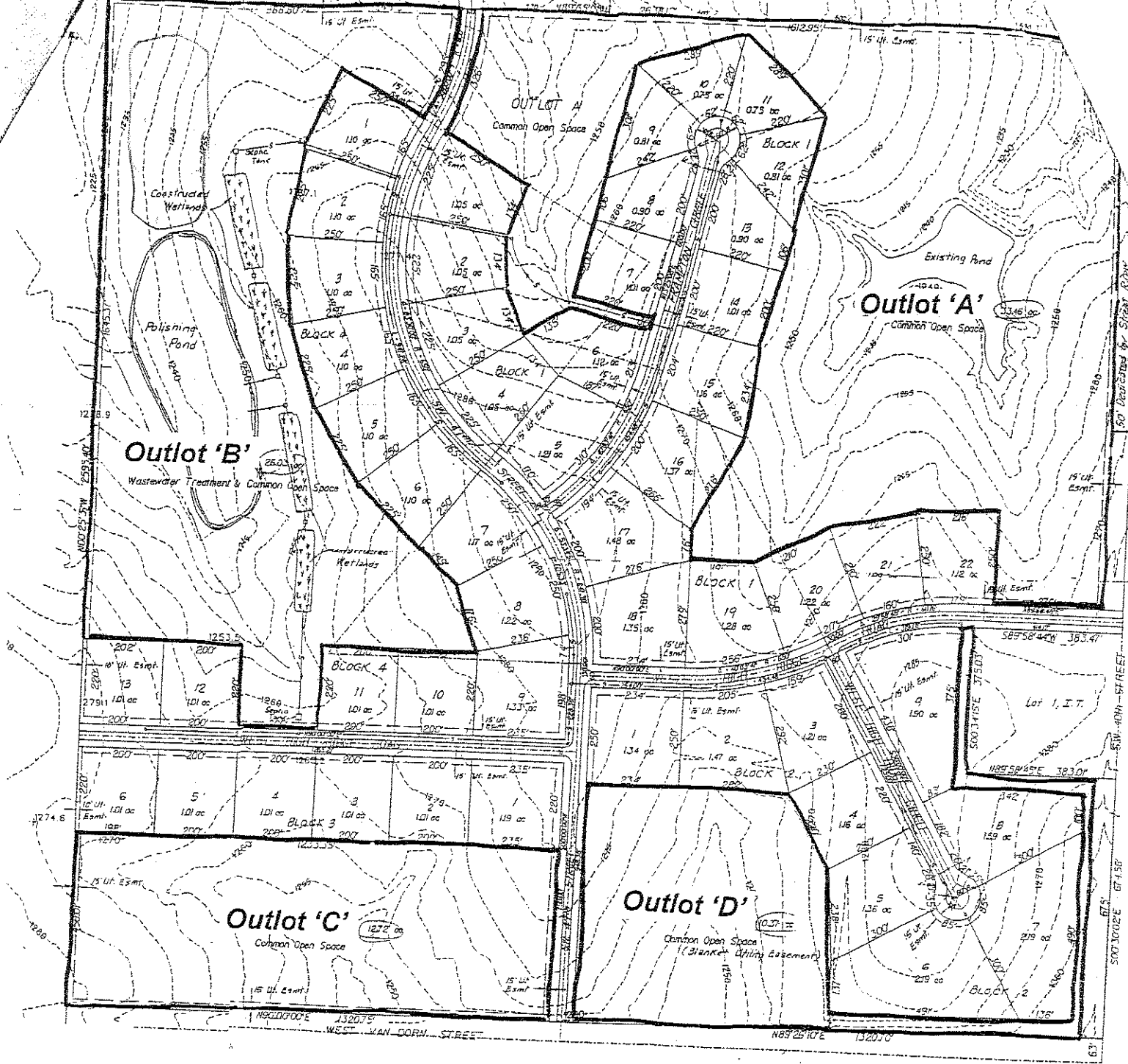
Plan #2

Lot	Block	Price
1	1	\$25,000
2	1	59,500
3	1	59,500
4	1	59,500
5	1	59,500
6	1	59,500
7	1	59,500

Lot	Block	Price
2	2	\$49,500
3	2	49,500
4	2	49,500
5	2	49,500
6	2	49,500
7	2	49,500
8	2	49,500

Lot	Block	Price
3	3	\$59,500
4	3	59,500
5	3	59,500
6	3	59,500
7	3	59,500
8	3	59,500
9	3	59,500

Lot	Block	Price
5	4	\$54,500
6	4	54,500
7	4	54,500
8	4	54,500
9	4	54,500



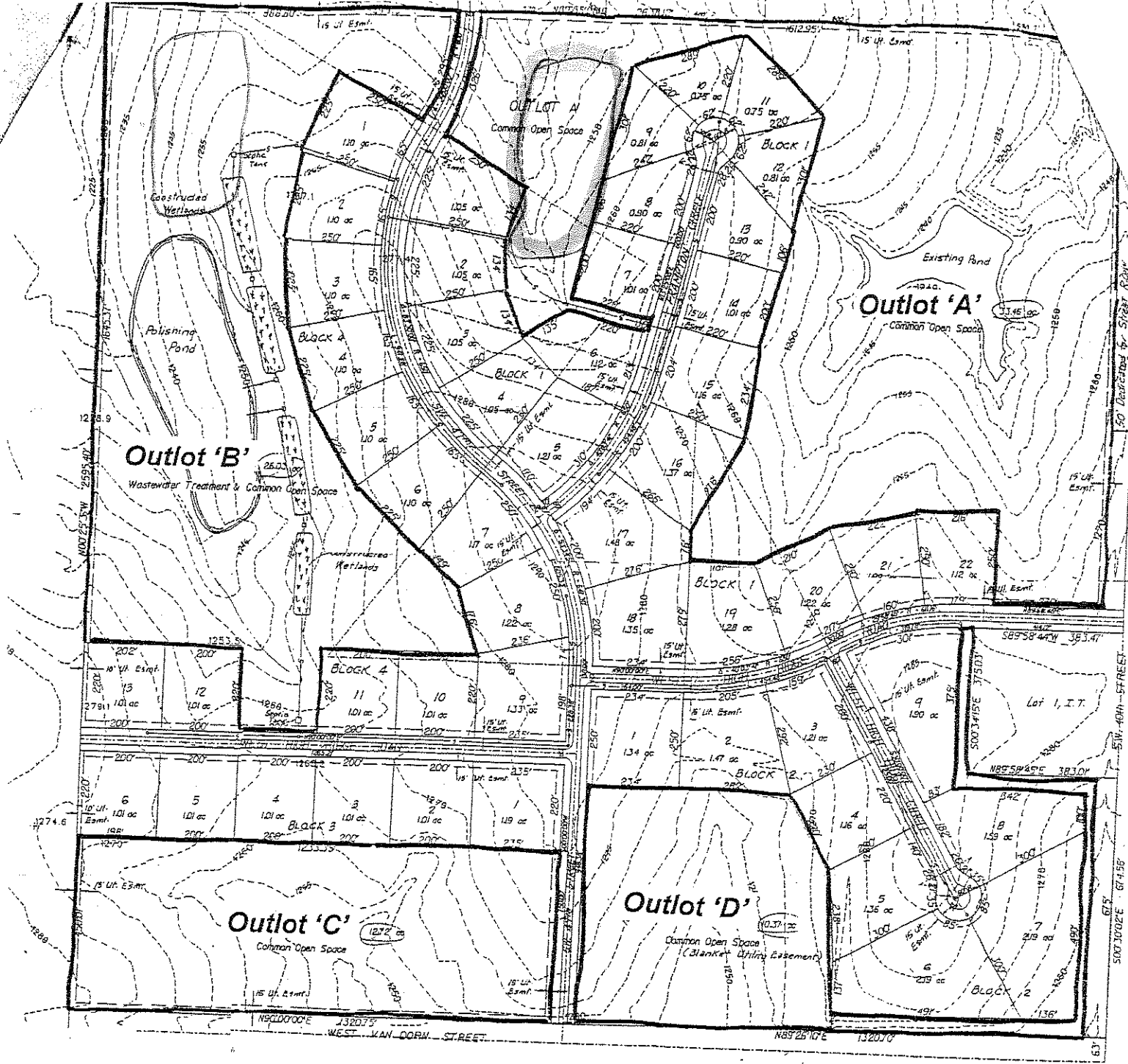
Comprehensive Plan Conformity #99010
 Long View Estates
 Conservation Easement
 SW 40th & W Van Dorn

Plan #3

*Highlighted area is a lagoon
 (not to scale)*

Scale: 1" = 150'
 July, 1999

Contours are U.S.G.S. (Mean Sea Level)



Comprehensive Plan Conformity #99010
 Long View Estates
 Conservation Easement
 SW 40th & W Van Dorn

Plan #4

Lagoon #1

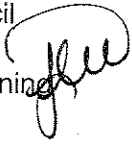
Lagoon #2

Scale: 1" = 150'
 July, 1999

Contours are U.S.G.S. (Mean Sea Level)

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : April 29, 2004

RE : **Special Permit No. 04018**
(Private vocational/technical school - No. 27th & Old Dairy Road)
Resolution No. PC-00861

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, April 28, 2004:

Motion made by Marvin, seconded by Krieser, to approve **Special Permit No. 04018**, with conditions, requested by Hendricks Development, L.L.C., for authority to construct a private vocational/technical school, on property generally located at North 27th Street and Old Dairy Road. Motion for approval, with conditions, carried 9-0: Larson, Carroll, Taylor, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Robert Mierau, StudioNRG, L.L.C., 105 N. 8th, Suite 100, 68508
Hendricks Development, L.L.C., 7501 Olive Creek Rd., Firth, NE 68358
Rob Hackwith, Landons N.A., 4210 N. 23rd, 68521
John and Carol Brown, Landons N.A., 2201 Elba Circle, 68521
Sheila Damon, Regalton Neighborhood, 2435 Dodge Street, 68521

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RECEIVED
APR 29 2004
CITY COUNCIL
OFFICE

RESOLUTION NO. PC- 00861

SPECIAL PERMIT NO. 04018

1 WHEREAS, Hendricks Development L.L.C. has submitted an application
2 designated as Special Permit No. 04018 for authority to construct a private vocational/
3 technical school on property generally located at N. 27th Street and Old Dairy Road,
4 and legally described to wit:

5 Lot 2, Fieldstone Center 3rd Addition, located in the
6 Northeast Quarter of Section 12, Township 10 North, Range
7 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska,
8 except that portion described as follows:

9 Beginning at the southwest corner of said Lot 2; thence in a
10 northerly direction, along the west line of said Lot 2, on an
11 assumed bearing of north 00 degrees 00 minutes 48
12 seconds east, for a distance of 358.88 feet to the northwest
13 corner of said Lot 2; thence south 88 degrees 47 minutes 12
14 seconds east, along the north line of said Lot 2, for a
15 distance of 363.19 feet; thence south 01 degrees 01
16 minutes 34 seconds west, for a distance of 358.81 feet to a
17 point on the south line of said Lot 2; thence north 88
18 degrees 47 minutes 09 seconds west, along the south line of
19 said Lot 2, for a distance of 356.85 feet to the point of
20 beginning;

21 WHEREAS, the Lincoln City-Lancaster County Planning Commission has
22 held a public hearing on said application; and

23 WHEREAS, the community as a whole, the surrounding neighborhood,
24 and the real property adjacent to the area included within the site plan for this private
25 school will not be adversely affected by granting such a permit; and

1 WHEREAS, said site plan together with the terms and conditions
2 hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln
3 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the
4 public health, safety, and general welfare.

5 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster
6 County Planning Commission of Lincoln, Nebraska:

7 That the application of Hendricks Development L.L.C., hereinafter referred
8 to as "Permittee", to construct a private vocational/ technical school be and the same is
9 hereby granted under the provisions of Section 27.63.075 the Lincoln Municipal Code
10 upon condition that construction of said private school be in strict compliance with said
11 application, the site plan, and the following additional express terms, conditions, and
12 requirements:

13 1. This permit approves a private school to be occupied by no more
14 than 350 students and 22 faculty/staff at any one time during the day.

15 2. Before receiving building permits:

16 a. The Permittee must complete the following instruction and
17 submit the documents and plans to the Planning Department
18 office for review and approval.

19 i. A revised site plan including eight copies showin the
20 following revisions:

21 (1) Revise the special permit boundary to exclude
22 the property owned by LES.

23 (2) Provide the size of the largest assembly hall
24 area.

- (3) Identify the locations of all entrances to the building. If any exists are proposed for emergency use only, indicate which ones they are.
 - (4) Add a note to the site plan stating final parking lot design and landscaping requirements will conform to City of Lincoln Design Standards, and be submitted at the time of building permits.
 - (5) Provide LES easements, which may be viewed at the Planning Department.
 - ii. Submit an evacuation plan, including a "house in place" scenario, and an indoor air quality control plan for approval by the Health Department.
 - iii. Provide a physical description of the facility.
 - b. The construction plans must conform to the approved plans.
 - c. The required easements as shown on the site plan must be recorded with the Register of Deeds.
3. Before occupying this private school, all development and construction must conform to the approved plans.
4. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the Permittee.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns.

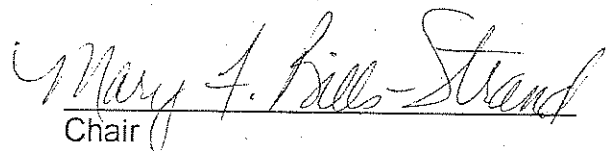
1 The building official shall report violations to the City Council which may revoke the
2 special permit or take such other action as may be necessary to gain compliance.

3 7. The Permittee shall sign and return the City's letter of acceptance
4 to the City Clerk within 30 days following approval of the special permit, provided,
5 however, said 30-day period may be extended up to six months by administrative
6 amendment. The City Clerk shall file a copy of the resolution approving the special
7 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
8 paid in advance by the Permittee.

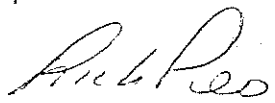
9 8. The site plan as approved with this resolution voids and
10 supersedes all previously approved site plans, however, all resolutions approving
11 previous permits remain in force unless specifically amended by this resolution.

12 The foregoing Resolution was approved by the Lincoln City-Lancaster
13 County Planning Commission on this 28th day of April, 2004.

ATTEST:


Chair


Approved as to Form & Legality:



Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : April 29, 2004

RE : **Special Permit No. 1778B**
(Extension of excavation permit north and east of 56th Street & Arbor Road)
Resolution No. PC-00859

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, April 28, 2004:

Motion made by Larson, seconded by Krieser, to approve **Special Permit No. 1778B**, with conditions, requested by WAPITI Enterprises, Inc., for authority to extend the time of the special permit for the excavation of sand, gravel and soil operation for an additional one-year period, which may be renewed by administrative amendment on an annual basis for up to three years from the date of approval, on property generally located north and east of 56th Street and Arbor Road. Motion for approval, with conditions, carried 9-0: Larson, Carroll, Taylor, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Mark Hunzeker, Attorney at Law, 1045 Lincoln Mall, Suite 200, 68508
Wapiti Enterprises, Inc., 10251 S.W. 27th Street, 68523
TR Novak, L.L.C., 5921 S. 77th Street, 68516

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RECEIVED
APR 29 2004
CITY COUNCIL
OFFICE

RESOLUTION NO. PC- 00859

SPECIAL PERMIT NO. 1778B

1 WHEREAS, WAPITI Enterprises, Inc. has submitted an application
2 designated as Special Permit No. 1778B for authority to extend the time of this special
3 permit for the excavation of sand, gravel and soil operation for an additional one-year
4 period which may be renewed by administrative amendment on an annual basis for up
5 to three years from the date of approval on property located north and east of 56th
6 Street and Arbor Road, and legally described to wit:

7 A part of Lot 2, Polivka's Addition, located in the Northwest
8 Quarter of Section 28, Township 11 North, Range 7 East of
9 the 6th P.M., Lancaster County, Nebraska, and particularly
10 described by metes and bounds as follows:

11 Referring to the Center One-Quarter Corner of Section 28,
12 Township 11 North, Range 7 East of the 6th P.M., Lancaster
13 County, Nebraska; thence north 00 degrees 11 minutes 52
14 seconds west (an assumed bearing), and on the east line of
15 the Northwest Quarter of said Section 28, a distance of
16 50.00 feet to a point on the northerly right-of-way line of
17 Arbor Road; thence south 89 degrees 59 minutes 55
18 seconds west, and on the northerly right-of-way line of said
19 Arbor Road and parallel to the south line of the Northwest
20 Quarter of said Section 28, a distance of 374.84 feet to the
21 point of beginning; thence continuing on the last described
22 course, south 89 degrees 59 minutes 55 seconds west, and
23 on the northerly right-of-way line of said Arbor Road and
24 parallel to the south line of the Northwest Quarter of said
25 Section 28, a distance of 61.94 feet; thence north 89
26 degrees 11 minutes 57 seconds west, and on the northerly

1 right-of-way line of said Arbor Road, a distance of 500.02
2 feet; thence south 89 degrees 59 minutes 55 seconds west,
3 and on the northerly right-of-way line of said Arbor Road and
4 parallel to the south line of the Northwest Quarter of said
5 Section 28, a distance of 50.85 feet; thence north 00
6 degrees 00 minutes 00 seconds east, and parallel to the
7 easterly line of Lot 4, Parrott's Addition to the City of Lincoln,
8 located in the Northwest Quarter, Section 28, Township 11
9 North, Range 7 East of the 6th P.M., Lancaster County,
10 Nebraska or the westerly line of the remaining portion of Lot
11 2, Polivka's Addition to the City of Lincoln, located in the
12 Northwest Quarter of said Section 28, a distance of 1181.47
13 feet to a point on the northerly line of the remaining portion
14 of Lot 2 of said Polivka's Addition and also said point is on
15 the southerly right-of-way line of Interstate No. 80; thence
16 north 86 degrees 50 minutes 02 seconds east, and on the
17 northerly line of the remaining portion of Lot 2 of said
18 Polivka's Addition or the southerly right-of-way line of said
19 Interstate No. 80, a distance of 207.28 feet; thence north 89
20 degrees 36 minutes 42 seconds east, and on the northerly
21 line of the remaining portion of Lot 2 of said Polivka's
22 Addition or the southerly right-of-way line of said Interstate
23 No. 80, a distance of 405.81 feet; thence south 00 degrees
24 00 minutes 00 seconds east, and parallel to the easterly line
25 of Lot 4 of said Parrott's Addition or the westerly line of the
26 remaining portion of Lot 2 of said Polivka's Addition, a
27 distance of 1202.67 feet to the point of beginning and
28 containing a calculated area of 732,524.56 square feet or
29 16.816 acres, more or less;

30 WHEREAS, the Lincoln City-Lancaster County Planning Commission has
31 held a public hearing on said application; and

32 WHEREAS, the community as a whole, the surrounding neighborhood,
33 and the real property adjacent to the area included within the site plan for this soil
34 excavation will not be adversely affected by granting such a permit; and

35 WHEREAS, said site plan together with the terms and conditions
36 hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln
37 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the
38 public health, safety, and general welfare.

1 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster
2 County Planning Commission of Lincoln, Nebraska:

3 That the application of WAPITI Enterprises, Inc., hereinafter referred to as
4 "Permittee", to extend the time of this special permit for the excavation of sand, gravel
5 and soil operation for an additional one-year period which may be renewed by
6 administrative amendment on an annual basis for up to three years from the date of
7 approval, be and the same is hereby granted under the provisions of Section 27.63.160
8 of the Lincoln Municipal Code upon condition that the operation of said soil extraction
9 be in strict compliance with said application, the site plan, and the following additional
10 express terms, conditions, and requirements:

11 1. This permit approves a soil, sand, and gravel excavation operation
12 for a period of one year, which may be renewed by administrative amendment on an
13 annual basis, for up to three years from the date of approval.

14 2. Before beginning operations at this site:

- 15 a. The construction plans must conform to the approved plans.
16 b. No grading shall occur along the Arbor Road without the
17 written permission of the County Engineer.

18 3. All privately-owned improvements shall be permanently maintained
19 by the owner.

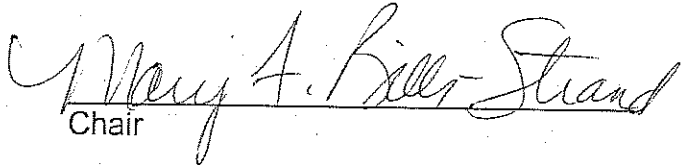
20 4. The terms, conditions, and requirements of this resolution shall be
21 binding and obligatory upon the Permittee and the Permittee's successors and assigns.
22 The building official shall report violations to the City Council which may revoke the
23 special permit or take such other action as may be necessary to gain compliance.

1 5. The Permittee shall sign and return the City's letter of acceptance
2 to the City Clerk within 30 days following approval of the special permit, provided,
3 however, said 30-day period may be extended up to six months by administrative
4 amendment. The City Clerk shall file a copy of the resolution approving the special
5 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
6 paid in advance by the Permittee.

7 6. All resolutions approving previous permits remain in force unless
8 specifically amended by this resolution.

9 The foregoing Resolution was approved by the Lincoln City-Lancaster
10 County Planning Commission on this 28th day of April, 2004.

ATTEST:

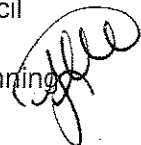

Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : April 29, 2004

RE : **Waiver No. 04006**
(W. Stockwell Street and S. Folsom Street)
Resolution No. PC-00860

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, April 28, 2004:

Motion made by Larson, seconded by Krieser, to approve **Waiver No. 04006**, requested by Brent T. Braun, to waive the required right-of-way, installation of sidewalks, street trees and water mains in the final plat of Braun 1st Addition, generally located at W. Stockwell Street and S. Folsom Street. Motion for approval carried 9-0: Larson, Marvin, Carroll, Taylor, Sunderman, Carlson, Krieser, Pearson and Bills-Strand voting 'yes'.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Brent Braun, 3921 Folsom Street, 68522
Larry Hillis, Yankee Hill N.A., 950 W. Burnham
Steve Larson, Yankee Hill N.A., 4401 S.W. 12th, 68523

i:\shared\wp\jlu\2004 ccnotice.wvr\Waiver.04006

RECEIVED
APR 29 2004
CITY COUNCIL
OFFICE

RESOLUTION NO. PC- 00860

1 WHEREAS, Brent T. Braun has submitted for approval by the Planning Director,
2 the final plat of Braun 1st Addition, generally located at W. Stockwell Street and S.
3 Folsom Street; and

4 WHEREAS, Lincoln Municipal Code § 26.23.040, § 26.27.020, 26.27.090, and §
5 26.27.030 regulates the required right-of-way, installation of sidewalks, street trees and
6 water mains in subdivisions; and

7 WHEREAS, applicant has requested a modification to waive said requirements
8 pursuant to § 26.31.010 of the Lincoln Municipal Code; and

9 WHEREAS, the Planning Director has recommended conditional approval of the
10 requested waivers of the Lincoln Municipal Code; and

11 WHEREAS, the Planning Commission finds that the strict application of these
12 requirements would result in actual difficulties or substantial hardship or injustice to the
13 property owner.

14 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
15 Planning Commission of Lincoln, Nebraska:

16 1. The requirement of § 26.23.040 of the Lincoln Municipal Code for 60 feet
17 of right-of-way for public streets is hereby waived in W. Stockwell Street until such time
18 as W. Stockwell Street is improved, provided the applicant signs a Subdivision
19 Agreement for Braun 1st Addition agreeing to dedicate the additional right-of-way at no
20 cost to the City.

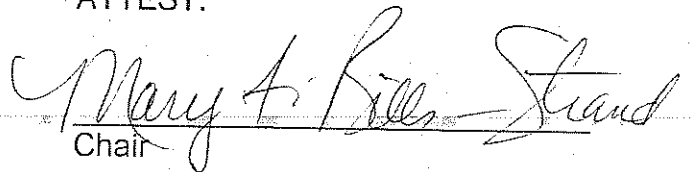
1 2. The requirement of § 26.27.020 of the Lincoln Municipal Code that
2 sidewalks be installed along both sides of all streets within the subdivision is hereby
3 waived along W. Stockwell Street and S. Folsom Street.

4 3. The requirement of § 26.27.090 of the Lincoln Municipal Code for street
5 trees along both sides of public streets is waived for W. Stockwell Street and S. Folsom
6 Street.

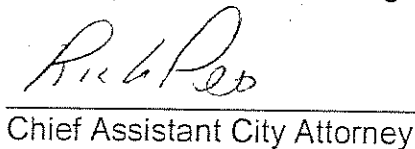
7 4. The requirement of § 26.27.030 of the Lincoln Municipal Code requiring a
8 water distribution system constructed in conformance with the water main design
9 standards of the City is waived.

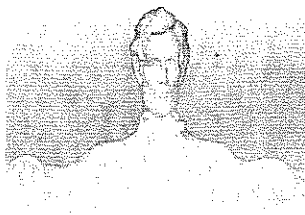
10 The foregoing Resolution was approved by the Lincoln City-Lancaster County
11 Planning Commission on this 28th day of April, 2004.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney



CITY OF LINCOLN
NEBRASKA

PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

RECEIVED

APR 23 2004

CITY COUNCIL
OFFICE

www.ci.lincoln.ne.us

April 22, 2004

84TH STREET WATER MAIN AND ROADWAY IMPROVEMENTS ARE BEGINNING PROJECT 700779

Limits of the construction area is as follows:

84th Street from Montello to Kathy Lane and Pioneers Boulevard from 80th Street to 88th Street.

Contractor:

The Contractor for this project is Dobson Brothers Construction Company. If you have any questions, their telephone number is 474-5115 and their Project Manager is Matt Martin.

Construction schedule:

Construction will begin by clearing trees, shrubs and grading throughout the limits of the project area, then follow up with the installation of utilities, paving, lighting and traffic signals. The construction will be completed in phases and those phases are:

Phase I	84th Street; Montello Road - Pioneers Boulevard
Phase II	Pioneers Boulevard; 80th - 88th Street
Phase III & IV	84th Street; Pioneers Boulevard - Kathy Lane

If you have fences, landscaping, or personal property that need to be removed, please do so in a timely manner.

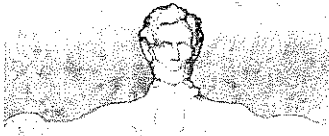
Weather permitting and barring any unforeseen conditions, the project should be substantially complete and open to traffic by December 1, 2004.

Inconvenience to adjacent property owners:

The City of Lincoln realizes this project may temporarily inconvenience you, but the contractor will maintain access to your property with an all weather surfacing of rock or asphalt at all times. We ask that you please cooperate with the appropriate road closures and signing so that we maintain a safe project area for both you and the construction personnel.

City of Lincoln Public Works/Utilities Department contact person:

The City of Lincoln Project Manager for this project is Brian Dittmann. If you have any questions, his telephone number is 441-8326. If he is unavailable to take your call, please leave a message on his voice mail.



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Street Operations
Public Works and Utilities Department
Allan Abbott, Director
901 North 6th Street
Lincoln, Nebraska 68508-2315
402-441-7701
fax: 402-441-8194

April 26, 2004

Robert D. and Elizabeth C. Smith
5828 Brittany Place
Lincoln, NE 68516
328-2775

RECEIVED

APR 27 2004

CITY COUNCIL
OFFICE

Re: Sevenoaks 9th Addition, Outlot A

Dear Mr. and Mrs. Smith:

The city is in receipt of your letter dated April 17, 2004 (attached), inquiring about Outlot A in Sevenoaks 9th Addition. We appreciate your concern about the condition of the drainage swale behind your property and are in agreement of the need to keep it maintained. I have discussed your letter with the Parks Department who did the original work on the trail and also some additional work adjacent to the swale and Jane Lane. They have stated that the contractor for this area completed the job as required. If you have specific concerns regarding the trail or the cleanup from last year's work please contact Terry Genrich with the Parks and Recreation Department at 441-8706.

The City of Lincoln, specifically the Public Works and Utilities Department and the Parks and Recreation Department, are not responsible for maintenance of the entire outlot. This outlot is owned by and the responsibility of the Sevenoaks Homeowners Association. The low flow liner is a private improvement within the outlot and is also the responsibility of the Association.

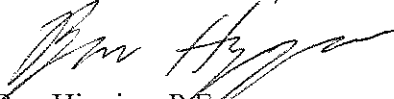
The Parks and Recreation Department does have an easement, and have agreed to mow and maintain the trail and much of the adjacent area from the liner to the lot line for maintaining the integrity of the trail. This easement does not include the liner itself.

Children playing in the canal, relocating of riprap, grass clippings, and sediment trapped in the swale is the responsibility of the owner of Sevenoaks Homeowners Association. Similarly, the installation of wire mesh and signs may have merit but will need to be done through the Association. Parks and Recreation Department have stated they are not interested in putting mesh over the riprap, as this creates other problems.

Public Works and Utilities Watershed Management Division has a program where we inspect outlots and detention/retention ponds on a periodic and as requested basis. The result of our inspections are typically letters to the owners of the outlots and detention/retention ponds stating what they need to accomplish bringing the site to preliminary/final plat conditions. If you desire us to inspect the site, please contact Gary Lacy with Public Works and Utilities at 441-4957.

Again, we are in agreement with the need for maintaining the swale and do appreciate your concerns. However this is a private outlot and is primarily the responsibility of the respective Association, not the City. Please contact me regarding any concerns or questions regarding our response.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ben Higgins", written over the printed name.

Ben Higgins, P.E.

Public Works and Utilities - Watershed Management
901 N. 6th Street
Lincoln, NE 68508

cc: Terry Genrich, Parks Department
Allan Abbott, Nicole Fleck-Tooze, Karen Sieckmeyer, Gary Lacy, Public Works & Utilities
City Council

0404014

Robert D. & Elizabeth C. Smith
5828 Brittany Place
Lincoln Ne 68516
402-328-2775

April 17, 2004

Nicole Fleck-Tooze
Special Projects Administrator
901 N 6th Street
Lincoln NE 68508

Dear Ms. Fleck-Tooze:

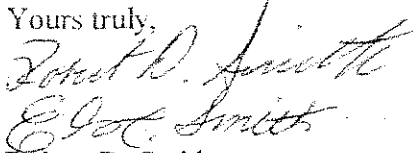
We moved to the above address in November of 2001. A drainage canal was in back of our property but not fully constructed. In the early part of 2003, the city completed this canal with concrete walls and white rocks to hold back the dirt. The city did not clean the canal after all the construction, leaving mud and debris. We contacted the city regarding this problem, but did not receive any help. Our neighbor to the east of us, on the corner of Jane Lane and Orwell Street, eventually cleared out weeds and picked up rocks that had been thrown in to the canal by adults and children, which we have witnessed.

Again in the latter part of 2003, we contacted the city and even the police department on several occasions because children were playing in the canal, throwing rocks back in the canal from the "rip-rap". The water doesn't flow thru the canal properly because of the sediment, rocks and grass clippings that have accumulated. The grass clippings, we believe, are coming from property owners to the south throwing their clippings in to the canal thinking the grass would be washed away. Instead it accumulates under the bridge on Jane Lane.

Our recommendation would be to either install some kind of wire mesh over the loose rocks on the east bank and place signs stating "No fishing, wading, or dumping" along the canal in several places, especially by the Jane Lane bridge.

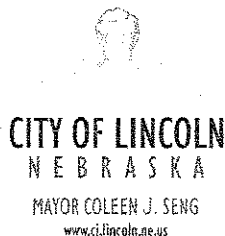
We would appreciate any help you can do for this city project.

Yours truly,



Robert D. Smith
Elizabeth C. Smith

PC: Jonathon Cook, City Council



PUBLIC WORKS AND
UTILITIES DEPARTMENT

MEMORANDUM

RECEIVED

APR 27 2004

CITY COUNCIL
OFFICE

Date: April 19, 2004

To: Darrell Podany

From: Ben Higgins 1314

Subject: Pine Lake Heights Homeowners Association Pond

cc: Allan Abbott, Nicole Fleck-Tooze, Leon Marquart, City Council

Shown below is a fairly lengthy explanation of what is happening at Pine Lake Heights in relation to the retention pond. This is due to a lot of past history and previous actions. In summary, the proposed wetland rehabilitation project is a City approved project which has been supported by the Association at two meetings where a quorum was present.

City Approved Project

Pine Lake Heights subdivision lies within the Beal Slough Watershed. In the Spring of 2000 the City Council and County Board amended the Comprehensive Plan to adopt the Beal Slough Stormwater Master Plan as an approved subarea plan. The Watershed Plan identifies projects for flood control, stream stability and water quality, including water quality wetlands within the basin, which are funded through general obligation bonds. Since this project represents the implementation of an approved Watershed Master Plan and Capital Improvement Program, there is no further action required by the City Council to design and construct the project.

Past History

The approved subdivision for this area includes a retention pond that serves a dual purpose for aesthetics and for meeting city stormwater detention requirements. The pond and the open drainageway leading to it lie within an outlot currently owned by the developer. The City has indicated to the developer that their maintenance responsibilities are not being met due to the erosion around the low flow liner and the pond. The City is not requiring the removal of sediment in the pond because the sediment is below the water surface level of the pond and does not interfere with stormwater storage above the pond's permanent pool during large rain events. However, it is the City's understanding that the Pine Lake Heights Homeowners Association wishes to remove sediment in the pond.

During various discussions with developer representatives and members of the Association it was determined that there was the potential for a public-private partnership to rehabilitate the existing retention pond and enhance the pond with wetlands.

Association Approved Project

At the **December 13, 2003 Pine Lake Heights Homeowners Association annual meeting** the City of Lincoln proposed a private/public partnership for Retention Pond Rehabilitation with Wetlands. At this meeting we proposed a concept study that included a bathymetric survey, hydrologic evaluation, pond sedimentation evaluation, wetlands evaluation and layout, and preparation of a concept plan. It was proposed by the City that the concept study be funded by the City with a cost share from the developer, at no cost to the Association. At this meeting it was requested that the Association indicate if there was or was not support for the concept study. The following motion was approved on a 37-1 vote (quorum present):

“It has been moved that the Pine Lake Heights Homeowner’s Association express its support for the City of Lincoln proceeding with its proposed concept design, and that the Pine Lake Heights Homeowner’s Association wishes to express its interest in proceeding with the initial stages of the wetland development process.”

At that meeting we indicated that the concept study would be presented at a subsequent Association meeting where the City would ask the Association to vote on designing and constructing the wetland rehabilitation project.

The completed concept study was presented to the Association at an **April 3, 2004 special Association meeting** (quorum present) by myself and the consultant for the study (Olsson Associates). After much discussion, by a vote of approximately 37 to 8 it was agreed that the City should proceed with design and construction of the wetland rehabilitation project (I don’t yet have the actual meeting minutes).

Proposed Wetland Rehabilitation of the Pine Lake Heights Retention Pond

Components and funding for the City and Association approved wetland rehabilitation project are:

1. Low Flow Liner Rehabilitation: Remove low flow liner and replace with three stepped weirs (cost shared between City and developer).
2. Wetland Sedimentation Berm: Construction of a low berm so that about 10% of the existing water surface will become a wetland area (funded by the city).
3. Wetlands: Planting of wetland plants behind the low berm and around most of the pond, along with a native grass buffer strip (funded by the City).
4. Pond Dredging: Dredging of the pond to original conditions (cost share between the developer and Association). Please note that the City is not funding any portion of the dredging.

The property continues to be owned by the developer and will not be turned over to the City.

The developer and the Association will need to negotiate the transfer of outlot to the Association. Prior to construction of the wetland rehabilitation project the Association will need to sign a maintenance agreement to maintain the wetland as a permanent feature of the outlot.

The aesthetics and mosquito concerns were addressed and discussed extensively at both the 12/13/03 and 4/3/04 association meetings. The design of the wetlands will be accomplished in such a way so as to cause no increase in potential mosquito habitat and will be reviewed by the Lincoln-Lancaster County Heath Department for this purpose.

Please contact me at 441-7589 or email (bhiggins@ci.lincoln.ne.us) if you have any further questions or concerns.

Thanks

I:\FILES\Wsmbjh\WP\Letters\040426_plhha.wpd

Darrell Podany

04/14/2004 05:01 PM

To: bhiggins@ci.lincoln.ne.us

cc:

Subject: constituent / Pine Lake Height Homeowners assn

Re Annette Contreras
7140 Phoenix Drive (16)
423-7231
acontreras@neb.rr.com

Hello Ben,

Annette contacted Jon's cc office re a recent action taken by the Pine Lake Heights homeowners assn concerning a pond at 35th and Pine Lake. The mtng was held Saturday, April 3rd at Walt Branch library and she indicated you were in attendance representing the city.

My understanding from Annette is that the pond in this development was part of the original Community Unit Plan and that because of significant expense the developer declined to dredge / drain the pond. The assn voted to turn this over to the city and the property is to be designated as wetlands.

Annette is concerned because her property is immediately adjacent to the pond / wetlands and she has concerns about how this property will or will not be handled in the future. She also has concerns about health issues related to wetlands including insects e.g. mosquitoes. She is very concerned about aesthetics.

Can you please provide any info on this and indicate if and when this might appear before the city council?

Thanks.

Darrell

copy Jon Camp



"Jenny Perry"
<jerry3@neb.rr.com>

04/22/2004 09:52 PM

To: <mayor@ci.lincoln.ne.us>
cc: <pnewman@ci.lincoln.ne.us>, <jcamp@ci.lincoln.ne.us>, <jcook@ci.lincoln.ne.us>, <amcroy@ci.lincoln.ne.us>, <twerner@ci.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>, <gfriendt@ci.lincoln.ne.us>, <jray@lincoln.ne.gov>, <tgrammer@lincoln.ne.gov>, <mmeyer@lincoln.ne.gov>, <cbeutler@unicam.state.ne.us>

Subject: Parking on A Street in front of Trinity United Methodist Church

April 20, 2004

Mayor Coleen Seng

City County Building

555 S. 10th Street

Lincoln, NE 68508

RECEIVED
APR 23 2004
CITY COUNCIL
OFFICE

Dear Mayor Seng:

We are writing as concerned citizens and parents of an infant who attends Trinity Infant and Child Care Center to voice our opposition to the City's plans to create changes on A Street, from 10th to 27th Streets, to make A Street a two-way left turn lane. We understand that these changes will result in a parking prohibition on A Street, between 15th and 16th Streets, in front of Trinity United Methodist Church. These changes will have a significantly problematic effect for parents and staff at Trinity Infant and Child Care Center. Many parents rely on the option of parking on A Street to drop off and pick up their children, as this space is necessary to ease the congested parking on side streets and in the designated church parking lot. Parents need close access to the building when taking their young children in and out to protect them from the elements (including ice covered roads and large piles of plowed snow) and prevent them from needing to walk across busy streets to their cars parked a block or more away (on side streets or other parking lots). Furthermore, staff need access to parking in front of the building to safely load and unload children from buses when they go on field trips. The current parking option on A Street allows parents, staff, and children to safely walk just a short distance from the building, down a sidewalk, to the vehicle waiting at the curb.

Creating a two-way left turn lane on A Street, between 15th and 16th Streets (in front of Trinity), does not appear necessary, as 16th Street is a one-way street going south, thereby prohibiting left turns from this portion of A Street. Furthermore, there are broader implications with regard to parking congestion, as this particular neighborhood is already full of many apartments and homes that do not have driveways. These residents would also be seeking parking off A Street, further limiting access to side street parking for Trinity parents.

We understand that a proposal has been offered by the City, which would allow Trinity to put in a loading zone on A Street, between 15th and 16th Streets. Installing a loading zone would cut into the lawn area, so that vehicles would be passing only 8 feet from where the children walk or ride in carts on the sidewalk that leads to and from the playground. This creates an unacceptably dangerous situation for children and others using this sidewalk.

We would appreciate your careful consideration of these concerns and request that other options be considered that will allow continued parking on A Street, between 15th and 16th Streets, in front of Trinity United Methodist Church. Thank you for your time.

Sincerely,

Jennifer M. Perry

1905 S. 26th Street

Lincoln, NE 68502

David DiLillo

1905 S. 26th Street

Lincoln, NE 68502

City Council Office
County-City Building
555 S. 10th Street
Lincoln, NE 68508

RECEIVED
APR 26 2004
CITY COUNCIL
OFFICE

04/22/04

Dear Mr. Werner,

I'm writing to ask you to change the (d) portion of 9.20.050 to an infraction versus a misdemeanor. 9.20.050 is the disturbing the peace law and the (d) portion makes operating any radio, tape player, compact disc player, stereophonic sound system or similar device audible to other persons in public places more than fifty feet from the source a misdemeanor or criminal offense with a minimum fine of \$150.00. This is in the same category as (a) engaging in fighting (b) exhibiting threatening or violent conduct directed towards another person (c) using abusive, threatening or other fighting language directed towards others.

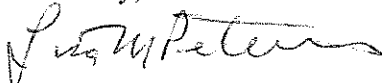
Playing a stereo too loud is currently a misdemeanor offense comparable to public indecency, urinating in public or defecating in public, discharging weapons and minors in possession of alcohol as just a few examples. Please see enclosures.

A misdemeanor offense can follow you for a lifetime. I feel the (d) portion of 9.20.050 should be changed to an infraction which would be a non-criminal offense and much more reasonable. I think it could be treated like a traffic infraction and pay a fine without taking up time in the courts with a court appearance as it currently requires. This would also keep it from being a criminal offense on a person's record.

As you might guess my 18 year old son recently received this ticket. He is a good boy without a record so I was alarmed to find this was a misdemeanor offense. He would have been better off speeding which I consider to be dangerous. I talked with one of the city attorneys and was told that they also would like to see this be an infraction rather than a misdemeanor and was asked to write my city council to make this change. I know there have been more complaints recently and if this were an infraction maybe more tickets would be written.

Thank you for your consideration.

Sincerely,



Lisa M. Peterson
501 Haverford Dr.
Lincoln, NE 68510

RECEIVED
APR 26 2004
CITY COUNCIL
OFFICE

13, 1984: prior Ord. 11380 §1; June 9, 1975: Ord. 3489 §21-204, as amended by Ord. 3726; March 11, 1940).

9.20.040 Inmate of Disorderly House.

It shall be unlawful for any person to be an inmate of or visit or frequent any disorderly house as declared in Section 9.20.030 with knowledge of, and participation in, the illegal activities occurring therein. (Ord. 15621 §4; July 9, 1990: P.C. §9.52.050: Ord. 13762 §6; February 13, 1984: prior Ord. 11380 §2; June 9, 1975: Ord. 3489 §21-205, as amended by Ord. 3726; March 11, 1940).

9.20.050 Disturbing the Peace.

It shall be unlawful for any person to intentionally or knowingly disturb the peace and quiet of any person, family, or neighborhood, or any public assembly, or assembly of persons for religious worship. The offense of disturbing the peace shall include, but shall not necessarily be limited to, the following:

- (a) Engaging in fighting;
- (b) Exhibiting threatening or violent conduct directed towards another person;
- (c) Using abusive, threatening, or other fighting language or gestures directed towards another person or persons;
- (d) Operating any radio, tape player, compact disc player, stereophonic sound system, or similar device which reproduces or amplifies radio broadcasts, or musical recordings, in or upon any street, alley, or other public place in such a manner as to be audible to other persons in such public place more than fifty feet from the source; or
- (e) Picketing or demonstrating on a public way within 150 feet of any primary or secondary school building while the school is in session and during the one-half hour before the school is in session and during the one-half hour after the school session has been concluded. (Ord. 16141 §1; June 29, 1992: prior Ord. 15621 §5; July 9, 1990: P.C. §9.52.030: Ord. 13762 §3; February 13, 1984: Ord. 3489 §21-203; July 6, 1936).

9.20.060 Failure to Disperse.

(a) Whenever a police officer has probable cause to believe that a person or persons are creating a disturbance of the peace and quiet of any person or neighborhood, such police officer may order said person or persons not residing on the premises to disperse for the purpose of abating the said disturbance.

(b) It shall be unlawful for any person to refuse to comply with a lawful order to disperse given by a police officer in the performance of the officer's duties under this section. (Ord. 15621 §6; July 9, 1990: P.C. §9.52.035: Ord. 13762 §4; February 13, 1984).

9.20.080 Panhandling.

It shall be unlawful for any person to beg in a public place, or to go about from door to door, or place themselves in the streets, or other public places, for the purpose of begging or receiving alms. (Ord. 15621 §8; July 9, 1990: P.C. §9.52.230: Ord. 13762 §26; February 13, 1984: prior Ord. 3489 §21-223; July 6, 1936).

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9.20.100 Minimum Penalties.

Any person convicted of violating the following sections of the Lincoln Municipal Code shall be fined no less than the following amounts:

Interfering with officer making an arrest (9.08.020)	\$250.00
Resisting an officer (9.08.030)	\$250.00
Making a false statement (9.08.040)	\$150.00
Assault and battery (9.12.010)	\$200.00
Public indecency and indecent exposure (9.16.180)	\$200.00
Urinating or defecating in public (9.16.200)	\$100.00
Disturbing the peace (9.20.050)	\$150.00
Failure to disperse (9.20.060)	\$200.00
Discharging weapons (9.36.050)	\$250.00
Furnishing false identification (5.04.080)	\$175.00
Misrepresenting age (5.04.090)	\$175.00
Minors in possession of alcohol (5.04.100)	\$175.00
Consuming alcohol in a prohibited place (5.04.160)	\$150.00

(Ord. 17417 §1; September 21, 1998).

Joan V Ray

04/28/2004 12:32 PM

To: "Cheryl Richter" <cheryl-richter-photos@alltel.net>

cc:

Subject: Re: Fw: Changes to A Street

Dear Ms. Richter: The Council office has received your message and the Council Members will give your comments close consideration. This is understandably a series concern for the residents in this area and we appreciate your input on the issue.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

"Cheryl Richter" <cheryl-richter-photos@alltel.net>



"Cheryl Richter"

<cheryl-richter-photos@alltel.net>

04/28/2004 12:25 PM

To: <council@ci.lincoln.ne.us>

cc:

Subject: Fw: Changes to A Street

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CITY COUNCIL
OFFICE

Dear City Council Representative,

I am concerned about the impact on safety and property values that will result from the currently planned changes that will remove parking from A Street and the addition of a center turn lane. I've recently attended 2 meetings regarding the subject and found that the representative of the City was not prepared with answers to potential questions or any statistical proof of need, but rather parroted the same kind of pat answers as seem usual for such a meeting. For example, "It's in the plan and has been for 9 years." Has any consideration been made to perform studies and update information? The greater problem on A Street is speed. In the 26 years that I have lived at 2120 A Street I have never seen speed limit enforcement taking place. As for traffic congestion it takes place mainly at 27th and A for less than an hour each day. I see no reason why my safety and that of my family and our property values should be sacrificed for the brief convenience of drivers that are turning onto South 27th Street so that they can experience even greater delays than if they had selected an alternate route.

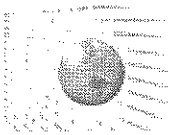
The decision, just because it is in the plan, is not irreversible. As an example I site the changes that were implemented to make P Street two way downtown and shortly thereafter reversed. Huge money was wasted. Why not listen to the people before that happens again?

The Near South is a National Historic area and needs protection from increased traffic dangers and other crimes. Why not spend the money on greater law enforcement, not speed?

If the citizens' actions with regard to reversal of the project on P Street have taught me anything, it is this. Vigorous petitioning and political pressure can result in positive change. Because street widening and other measures designed to increase speed always bring very negative impact on property values (North 27th Street is a prime example). I believe that citizen action is necessary to limit the powers of the planning board and City Council with regard to any street improvement that results in increased speed. I do not think that a petition to offer citizens an opportunity to vote on more stringent control and direct votes of property owners and residents of areas impacted by planned changes that increase speed is inappropriate.

You are fixing something that is not broken here. And those of us who live here and pay the taxes will pay the price. Please reconsider this ill-conceived idea.

Thanks, Cheryl Richter



Joan V Ray

04/28/2004 09:11 AM

To: j.heim@att.net

cc:

Subject: Re: Opposing the L-Multi-"A" Street; 10th St.-27th Street-Parking Prohibition

Dear Ms. Heim: Your message has been received in the Council Office and Council Members will give your concerns careful consideration. This is understandably a serious concern to all of the residents of the area and we thank you for input.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

j.heim@att.net

RECEIVED
APR 28 2004
CITY COUNCIL
OFFICE



j.heim@att.net

04/27/2004 10:04 PM

To: mayor@ci.lincoln.ne.us

cc: council@ci.lincoln.ne.us, alee@ci.lincoln.ne.us

Subject: Opposing the L-Multi-"A" Street; 10th St.-27th Street-Parking Prohibition

The Honorable Coleen Seng

Dear Mayor:

I attended an informational meeting at Trinity Methodist Church this evening on the proposed center turn lane and the parking ban on A Street from 10th to 27th Streets, and left you a voicemail message. A very nice young man named Randy Hoskins spoke to a room full of citizens who live on A Street, attend Trinity Methodist, or have children at the Day Care. He proposed to take questions for an hour, and we got part way around the room in an hour and a half. Despite the emotions demonstrated, it was not really a contentious meeting, because, except for Randy, no one, absolutely no one, spoke in favor of this project. Even he said that it was being done because it had been proposed and it was time. He said studying the need would just take extra time and money, and he was there to describe the project and see what we could suggest to ameliorate the effects; that he was not asking our permission. He did not, and would not, get our permission. Even the statistics he finally quoted showed absolutely no change from the initial 7000+ cars from 10th to 13th Streets from 1996 to 2002. There was some change in the blocks past the church. After a slow rise from 8000 to 12000 it dropped in below 10000 in 2002 but he said that was probably due to a water project. Our traffic count is not broken. I suggest we do not fix it.

I live in a 5-plex at 1124 A. This has a single-wide driveway leading to two garages. If more than two cars are parked here, no one can get out. I rent both garages so I can get out half the time. If the street parking is removed, there is no place but my driveway to park in. If traffic speeds up, and I am no longer able to back out in front of the cars now parked along the street, I probably can't get out anyway, but it would be nice to keep the chance. This is the only paved driveway on this side of the street for the entire block, and I do not need my very own center turn lane.

Trinity Methodist faces safety and financial problems from this proposal that a fine old historic church does not deserve. My own worry is that no one spoke

for Everett Elementary School, which at 11th and B is only a block away from A. It was suggested that blinking amber lights could be put in for the schools, but then what is the point of taking out parking to improve traffic flow?

This project is a disaster for all concerned. If you cannot afford a study to prove it is necessary, I suggest you save even more money by aborting the project. If traffic becomes a problem, fix it then. The accident data was given for the whole area as though it were evenly distributed. I find this very hard to believe. If there are trouble spots, fix those, and do not ruin a whole series of neighborhoods because of a 10-year-old plan.

Sincerely,

Janis J. Heim
1124 A St., Apt. #1
Lincoln, NE 68502-1273
(402) 477-3878



Joan V Ray

04/28/2004 09:32 AM

To: Quentin Faulkner <qfaulkner1@unl.edu>

cc:

Subject: Re: Re-striping of A Street

Dear Mr. & Ms. Faulkner: Your message has been received in the Council Office and the Council Members will give your message every consideration. This is understandably a serious concern for the residents in this area and we thank you for your input.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

Quentin Faulkner <qfaulkner1@unl.edu>

RECEIVED
APR 28 2004
CITY COUNCIL
OFFICE



Quentin Faulkner

<qfaulkner1@unl.edu>

04/28/2004 09:05 AM

To: mayor@ci.lincoln.ne.us

cc: council@ci.lincoln.ne.us, qfaulkner1@unl.edu

Subject: Re-striping of A Street

Dear Mayor Seng,

We are writing you regarding the proposed re-striping of A. Street from 10th - 27th Street, in order to create a left-turn lane. We attended the meeting last night (Tuesday, April 27) at Trinity United Methodist Church, at which Mr. Randy Hoskins, City Traffic Engineer, presented the proposed change and responded to questions from a gathering of about 100 concerned citizens.

Either because Mr. Hoskins is not articulate, or because he had not carefully research all of the pertinent statistics and options, or for both of those reasons, the meeting turned into a long series of thoughtful and pointed questions from attendees, very few of which Mr. Hoskins could offer convincing answers to. At the end of the meeting, the sense of outrage among those in attendance was palpable.

Given the strength of the opposition to the change and the range of unexplored alternatives that were presented at the meeting, we think it would be advisable that you postpone the re-striping project (scheduled to take place on May 15) until the matter is explored more completely and neighborhood representatives are given a fuller opportunity to express their ideas and opinions on the matter.

Very truly yours,

Quentin and Mary Murrell

Faulkner

1505 A Street
Lincoln, NE 68502
475-2927

--

Quentin Faulkner

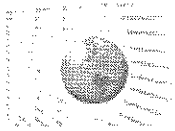
Larson Professor of Music

School of Music

University of Nebraska-Lincoln

Lincoln, NE 68588-0100

phone: (402)472-2976 (office; voice mail)
 (402)475-2927 (home)
fax: (402)472-8962
e-mail: qfaulkner@unl.edu



Joan V Ray

04/28/2004 12:25 PM

To: "Fuog, Karin" <Karin.Fuog@nelnet.net>
cc: "council@ci.lincoln.ne.us" <council@ci.lincoln.ne.us>,
"mayor@ci.lincoln.ne.us" <mayor@ci.lincoln.ne.us>
Subject: Re: StarTran route from Lux to Vintage Heights

Dear Ms. Fuog: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us

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APR 28 2004
CITY COUNCIL
OFFICE

"Fuog, Karin" <Karin.Fuog@nelnet.net>



"Fuog, Karin"
<Karin.Fuog@nelnet.net>

04/28/2004 11:40 AM

To: "council@ci.lincoln.ne.us" <council@ci.lincoln.ne.us>,
"mayor@ci.lincoln.ne.us" <mayor@ci.lincoln.ne.us>
cc:
Subject: StarTran route from Lux to Vintage Heights

Mayor Seng,

Thank you for your letter of March 11, 2004 acknowledging my request for an extension of bus service into Vintage Heights. Because both my husband and I work outside the home, it is very important for us to have some reliable means of transportation for our son between Lux Middle School and our neighborhood of Vintage Heights. I understand that now is the time you are working on the city budget for submission to the Council for review. I would strongly urge you to consider adding this bus route which would serve not only the children in a growing neighborhood, but also city residents who wish to reach this neighborhood and the commercial area (Wal-Mart, Menards, etc.) just beyond. Public transportation is always important to economic health and it is important that people who purchase houses in the newer areas of Lincoln receive the same services as those in the more established areas.

Thank you for considering my request.

Karin Fuog
402.458.3031
Nelnet

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Joan V Ray

04/28/2004 03:34 PM

To: "Sue Kirkland" <suekirkland@trinityumc-linc.org>
cc:
Subject: Re: A Street

Dear Ms. Kirkland: The Council office has received your message and the Council Members will give your comments every consideration. This is understandably a series concern for the residents in your area and we appreciate your input on the issue.

Joan V. Ray

City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us
"Sue Kirkland" <suekirkland@trinityumc-linc.org>

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APR 28 2004

CITY COUNCIL
OFFICE



"Sue Kirkland"
<suekirkland@trinityu
mc-linc.org>

04/28/2004 03:30 PM

To: mayor@ci.lincoln.ne.us, council@ci.lincoln.ne.us
cc:
Subject: A Street

Dear Mayor Seng and Council Members,

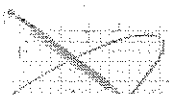
As a staff person at Trinity UMC, I am concerned about the planned elimination of parking on A Street between 27th and 10th Streets. This church and the childcare program located here are vital to this neighborhood. The congregation is committed to remaining here in this old building as long as it is feasible to do so. I fear the loss of badly needed parking will inhibit our growth and make it difficult to maintain the programs and ministries currently provided to our members and neighbors. In addition to the loss of parking, we would lose a valuable loading zone used for Sunday morning van unloading and loading of our older members who no longer drive and which is also used for funerals and weddings. The city proposed a set back which would allow us to keep the loading zone and some parking spaces but which would: 1) eliminate a green space currently providing a safety zone for our children and others using the sidewalk; 2) require the removal of several large trees from the green space; 3) cost the church an estimated \$9,000. Further, I have a difficult time seeing the need for left-turn lanes on this entire stretch of A Street. I can understand the need from about 24th to 27th but other than that - I don't think it's needed. The director of our childcare center and parents of the children who are cared for here are deeply concerned about the safety of children and teachers who use A Street sidewalk many times each day.

I urge you to reevaluate this decision.

Sincerely,

Sue Kirkland, Administrative Assistant
Trinity United Methodist Church
1345 S 16th Street, Lincoln, NE
(402) 435-2946

The Lord is compassionate and gracious, slow to anger, abounding in love. Psalms 103.8



James Weverka

04/29/2004 09:04 AM

To: Joan V Ray/Notes@Notes

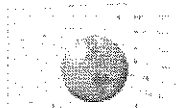
cc:

Subject: Re: dog tag licenses

Joan,
We will respond. Thanks. Jim

Jim Weverka
Animal Control Chief
3140 N Street
Lincoln, Nebraska 68510
Phone 402-441-7900 Fax 402-441-8626

Animal Control - Protecting People and Animals
Joan V Ray



Joan V Ray

04/29/2004 08:41 AM

To: James Weverka/Notes@Notes

cc:

Subject: dog tag licenses

Jim - I'm forwarding this inquiry on to you.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us

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APR 29 2004
CITY COUNCIL
OFFICE

----- Forwarded by Joan V Ray/Notes on 04/29/2004 08:40 AM -----



"Doug Lambert"
<dlambert@lambriarvet.com>

04/28/2004 05:31 PM

To: <council@ci.lincoln.ne.us>

cc:

Subject: dog tag licenses

To whom it may concern:

I am requesting a list of the dog tag license holders in your town. We are introducing a new pet food to your local area and need to announce support of our local distributors and grocers that will be carrying the food.

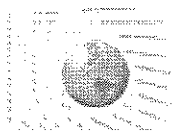
We would also like to speak with the person in charge of your local shelter/pound in reference to Sportmix foods and our veterinary supply catalog.

If possible, email an excel list to me at DLambert@Lambriarvet.com

Thanks

Douglas W Lambert
Lambriar Animal Health Care LLC
101 Highway Avenue
Mahaska, Kansas 66955
800.344.6337

<http://www.Lambriarvet.com>
<mailto:Dlambert@Lambriarvet.com>



Joan V Ray

04/29/2004 12:36 PM

To: "Brenda Kubicek" <bkubicek@Lincolnpoultry.com>
cc: <council@ci.lincoln.ne.us>, <mayor@ci.lincoln.ne.us>,
<pubworks@ci.lincoln.ne.us>
Subject: Re: A Street Project

Dear Mr. & Ms. Kubicek: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on these issues.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

"Brenda Kubicek" <bkubicek@Lincolnpoultry.com>

RECEIVED

APR 29 2004

CITY COUNCIL
OFFICE



"Brenda Kubicek"
<bkubicek@Lincolnpoultry.com>

04/29/2004 12:25 PM

To: <council@ci.lincoln.ne.us>, <mayor@ci.lincoln.ne.us>,
<pubworks@ci.lincoln.ne.us>
cc:
Subject: A Street Project

I am writing regarding the proposal to eliminate parking on A street. It is my understanding that one of the reasons for this change is to reduce the amount of time people are currently waiting at the 17th street light to make a left turn in the morning and those waiting to turn left off of A Street onto 16th street in the after work hours.

1. Turning on to 17th street is only a problem during drive to work hours 7:15-8:30
2. Turning left off of A street on to 16th street is only a problem during drive home hours 4:00- 6:00
3. Currently only 1 or 2 cars can make it thru the lights...the third car is at risk trying to make it.

My suggestion is to install turn signals.....with the length of the turn signal extended during the peak hours. This is important even if you do eliminate parking! The memo I saw from the City Traffic Engineer said they were "striping"...it did not mention "updating" the lights.

We have been driving A street for 25 years and although it can be a bit frustrating to wait at the light I also know that if I am in a hurry I can take an alternate route. My inconvenience is nothing compared to the chaos that will be caused with the loss of parking on A street. Please consider installing turn signals and evaluate their impact before you make a parking change that will impact the entire neighborhood.

On another street matter....

I called someone in engineering some time ago regarding a dangerous situation on 17th and F street. Currently there is a no parking from 8 a.m. - ??? in front of the First Presbyterian Church. That church now has a daycare and parents are stopping to let their children out. This is the same block where the

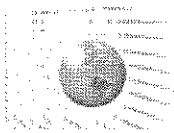
traffic changes from 3 lanes to 4. This is dangerous.....cars think they can move over to the 4th lane only to find there is a parked car (with a child in the backseat) and they swerve back into the other lane...I have even seen the City bus swerve to miss parked cars at this location.

Now the situation has gotten worse as they have replaced street lights on 17th street. You can see the new gigantic 4- lane street lights from blocks away...when you see 4 lights across you assume there are 4 available lanes. It is important to note that cars turning to go to Lincoln High in the morning are using F street...this is less than 1/2 block from where these parents are parking. So, everyone is swerving from lane to lane and swerving around those parked cars.

My suggestion several months ago and today is pretty simple....change the no parking sign in that block to 6 a.m. Monday - Friday. This would make the block clear for the City bus, the cars moving into the fourth lane and those turning left to go to Lincoln High School. This is so simple it could be done with a small bottle white-out!

Thank you.

Brenda & David Kubicek
475-6587



Joan V Ray

04/29/2004 01:10 PM

To: Sara Friedman <sfriedman@neb.rr.com>

cc: City Council <council@ci.lincoln.ne.us>, County Board
<comcommish@co.lancaster.ne.us>

Subject: Re: REMINDER

Dear Ms. Friedman: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

Sara Friedman <sfriedman@neb.rr.com>

RECEIVED

APR 29 2004

CITY COUNCIL
OFFICE



Sara Friedman

<sfriedman@neb.rr.com>
m>

04/29/2004 01:07 PM

To: City Council <council@ci.lincoln.ne.us>, County Board
<comcommish@co.lancaster.ne.us>

cc:

Subject: REMINDER

Please vote to approve the entire Flood Plain Ordinance as originally written with out the added amendment to narrow the Minimum Flood Corridor and without any future amendment allowing fill in creeks for both the best flood control and the best water quality protection.

Thanking you in advance

Sara Friedman



Joan V Ray

04/29/2004 01:34 PM

To: "Mefford, Cindy" <CMefford@TheCornhusker.com>
cc: "mayor@ci.lincoln.ne.us" <mayor@ci.lincoln.ne.us>,
"council@ci.lincoln.ne.us" <council@ci.lincoln.ne.us>
Subject: Re: "A" Street

Dear Ms. Mefford: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

"Mefford, Cindy" <CMefford@TheCornhusker.com>

RECEIVED

APR 29 2004

CITY COUNCIL
OFFICE



"Mefford, Cindy"
<CMefford@TheCornhusker.com>

04/29/2004 01:28 PM

To: "mayor@ci.lincoln.ne.us" <mayor@ci.lincoln.ne.us>,
"council@ci.lincoln.ne.us" <council@ci.lincoln.ne.us>
cc:
Subject: "A" Street

RE: A Street Turning Lane Project

Dear Mayor & Council Members:

As a taxpayer and a mom who takes her child to Trinity Infant & Child Care on 16th & A, I'm wondering why the city is planning to add this turning lane from 10th to 27th street? You cannot turn left onto 16th Street from A Street so what would be the purpose except to take away valuable parking spaces on the street.

I feel this project is a total waste of money. IF turning lanes were needed, they should be placed only on the appropriate streets (where you can actually make a left turn). However, I really don't feel this is a necessary project to begin with. Traffic has declined over the years yet it still bogs down at 27th & A Street. So if this project is to get the traffic to move faster along A Street, what is the gain? So cars can sit longer at 27th & A? The better plan would be to divert some of the traffic to other streets.

I feel strongly that you need to reconsider this project. What was a good idea 9 years ago may no longer be relevant to the situation now.

Respectfully,

Cindy Mefford
2690 Colonial Drive
Lincoln, NE 68502
327-0632

From : Russell Miller
341 S. 52
Lincoln, Nebraska 68510

27 April 2004

RECEIVED

APR 29 2004

CITY COUNCIL
OFFICE

To : Lincoln City Council

Dear Council Members,

As Mrs. Allen reported at the Lincoln Lancaster County Planning Commission, floods and flood water can be very dangerous. Officially, Lincoln only received 1.17 inches. The water that almost killed her and her family was caused by heavy rains just to the south of 1950 Lincoln.

That flood plus a similar flood the following year motivated the business community to create the Salt Valley Flood Control project in 1958 which resulted in 10 dams and the Salt Creek Levees that were completed in 1968. This cost 12 million dollars (approximately 54 million in today's dollars) and it took Lincoln essentially out of the flood plain. In late 1970's FEMA conducted a new flood insurance study that put major parts of Lincoln back in the flood plain. Please review enclosure 1 which is a May 10, 1950, Lincoln Star article detailing the business community flood loss of 200,000 dollars (approximately 1 million today). On the front side of enclosure 1 is a listing of those 1950's locations and who owns them today. My point is that businesses still occupy those locations plus new ones in adjacent locations have been established. These businesses are still at risk of being heavily damaged by every rain that exceeds a 50-60 year rain event.

THE QUESTION THAT MUST BE ANSWERED IS "WHY ARE WE IN DANGER TODAY AFTER SPENDING THE EQUIVALENT OF \$54 MILLION IN THE 1960'S THAT MADE US SAFE???" The Salt Creek levees were supposed to contain the 100 year rain event, not the 50-60 rain event as they are predicted to do today.

The answer in three words is BAD BUSINESS POLICY. That is the policy of permitting unregulated development without regard to the consequences to the businesses downstream. Everybody must appreciate and understand that his project will create more water run-off. In addition, if your project is in the floodplain, any new fill and new buildings will displace floodwater that will relocate on somebody's property.

If the concepts of NO ADVERSE IMPACT, NO NET RISE, and COMPENSATORY STORAGE had been practiced starting in the 1960's, today's Lincoln would not be in the floodplain and all of that money spent on the levees and dams would not have been wasted.

The following photos will show what happens when these three concepts are **not** practiced.

Enclosure 2 : Northeast corner of 1st & C Streets facing west. The lower blue line on the sign is the predicted flood water height using FEMA's 1978 data or Base Flood Elevation (BFE). The upper red line is the flood height allowed by current Lincoln ordinance; the higher level is caused by displaced water from building or filling in the floodplain and increased run-off from rooftops etc. Please note that the 1960's levees were supposed to keep this area dry, not have water chest high.

Enclosure 3 : Same corner but facing north with the same fire hydrant as in enclosure 2. The house (108 C St.) was built in 1910 and it was elevated with dirt fill, (maybe for flood protection?), but notice that it still has

basement windows and today's flood water will be above those windows.

Enclosure 4 : House at 119 C St. built in 1960. This house was protected by the levees but now the flood water could be entering through the basement windows. This is my first example of a financial investment that went bad because of other developers' investments filling the floodplain and/or causing increased run-off, thus increasing the amount of flood water on their downstream neighbors.

Enclosure 5 : Duplex at 110/112 B St., built in 1978 before FEMA had completed their flood study. Another investment that went bad because of other investors' actions.

Enclosure 6 : Duplex at 120/122 B St. built in 1994. This house typifies current floodplain building practices with first floor elevated above expected flood heights.

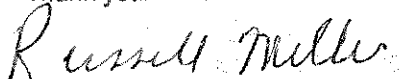
Enclosure 7 : Picture showing the relationship of 110, 120 and 128 B Street. I am trying to illustrate the effects of changing water heights as each investor copes with a moving target of ever increasing flood heights.

Enclosure 8 : Facing west on Salt Creek's A St. bridge crossing. Please note the difference in elevation of the business on the right (north side built in 2002) compared to the businesses on the left (south side built in 1979).

The point I am trying to make is that each of these good business investments turned sour and decreased in value because the standards of NO ADVERSE IMPACT, NO NET RISE, and COMPENSATORY STORAGE were not the law and were actively resisted by a small but very vocal business segment. Unless these standards are enacted today, all the investments currently being made will be in harm's way in the very near future. Today's business strategy is to elevate the property above the predicted flood height. That only works if nobody else does the same thing. As you know from the various projects that come before you, everybody is filling the floodplain and creating increased run-off. This displaced water results in a moving target as to how much fill is necessary to get your project above the flood. This is a very bad business strategy that can only be corrected by enacting the proposed flood standards before you.

I understand that the proposed regulations apply only to the areas outside of Lincoln's city limits and it would be much better if these regulations applied to Lincoln also. Water only knows 1 law; fill the lowest location first. As citizens of Lincoln and Lancaster County we must recognize that our actions with stormwater will impact our neighbors and **our neighbor's actions will impact us**. I urge you to pass this law and make it retroactive to January 1, 2004.

Thank you.



Russell Miller
phone 499-2611

ENCLOSURE 1

Because of difficulty in reading the other side (but what can you expect from 52 year old micro-film) here is a listing of the businesses mentioned.

Lincoln Star May 10, 1950

	\$ amount of flood damage in 1950 dollars from newspaper no figure but thousands		Current owner
Lincoln Steel Works			Owen Industries fm Omaha
Hatchery plant	40,000	close to 56th & Beal Slough	
Prairie Maid Meat	4,500	327 F st	ARCK Foods fr Falls City
Van Sickle Glass & Paint	1,000	143 S. 10	
Mid-West Steel	3,000	703 N st.	Mid-West Steel
Wilson & Dana Produce	1,000	216 S. 7	Mid-West Steel
Grothe Milling	3,000	635 N and	IMS PROPERTIES
Grothe Milling		545 L	JDD Inc
Wilson Brickson & Lumber	1,015	660 N	Folmer Folmer Inc
American Stores	over 1,000	320 N	UNL Foundation???
Griswold Seed	2,500	729 N	Mid-West Steel
Amos Coal	5,000	502 L	IMS PROPERTIES
White Foundry	3,000-5,000	630 K	Jansky Inc
Lincoln Oil	3,000-5,000	240 P	Hergert Oil
Gooch Milling	1,000	540 South	Gooch Milling (ADM)

ONE OF THREE BUS TRAGEDY SURVIVORS—Howard Clark Martin, 19, Kansas City, Mo., one of three passengers who survived when the bus on which they were riding near Syracuse was immersed by flood waters, is shown in St. Elizabeth's hospital. Martin clung to a log for seven hours Monday night before being rescued. Shown above is Katherine Bane, Valparaiso, student nurse, pouring a cup of tea for Martin at luncheon. The youth was en route to Lincoln to visit his aunt, Mrs. Estelle Reynolds, 1445 T street. (Staff Photo) Story on page 12.

Bayley On Stand For Defense

Denies He Intended To Force Girl Into Bed; Tells Case

Alan J. Bayley, taking the witness stand in his own defense Wednesday, admitted he had lain on a bed with a 16-year-old high school girl, while both were naked, the night of March 18, but firmly denied he intended or tried to force her to have relations.

He stated that after he had been alone with her in the third-floor bedroom for "about five to ten minutes," he became disgusted and ashamed of himself and then left.

The 19-year-old Lincoln youth, still being cross-examined by County Attorney Frederick H. Wagener when court recessed at noon, was the first defense witness called.

Previously, Wagener introduced into evidence the picture taken of the nude girl. The picture shows the girl being held by Bayley and Edward E. Angle, another of the youths charged. Wagener also read and introduced two confessions allegedly obtained from the youth.

26 Witnesses.

Wagener paraded 26 witnesses to the stand before resting his case mid-way in the morning.

Bayley, who lives with his widowed mother at 2302 Lake, is charged with assault with intent to commit rape.

Facing the jury as he spoke, the defendant said that after the became ashamed and disgusted, he "didn't want anything else to do with her."

Bayley often hesitated between statements as he told his story to the jury. Twice he had to be prompted to continue by his attorney, Lytle Holland.

Mob Rule Denial.

In his confession, Bayley said the idea to pick up some girls that night "was one of those mob rule deals—nobody stops to think."

The confession revealed Bayley as stating that what each boy intended to do with the girl was not particularly discussed.

On the stand the youth said the

(Continued on Page Two.)

Faulty Engine Possibly Saved Man From Death In Flood

"If I hadn't had trouble with the generator on my car I might have been among the casualties of the flood," said Jack Schwenske, of the body of Forrest Kitch, about 50, of Beatrice, was found two miles south of the Crete corner on highway 77 Wednesday morning at 10:24 a. m.

Schwenske told the Lincoln Star of his sighting and taking to Kitch the latter's car was swept from the highway.

The body of Harold McCall, who was a passenger in the Kitch car, was found late Tuesday about a quarter mile from where Kitch's body was found.

Schwenske related how he had engine trouble a block or so outside Wilber Tuesday night and how Kitch and McCall stopped to pick him up. The two men took him to the garage, he said, so he could get a wrecker to tow in his car. Otherwise he too might have been caught in the flood.

THE WEATHER

Lincoln—Partly cloudy tonight and Thursday. Low near 43 tonight. High near 50 Thursday.

NEBRASKA—Generally fair west and north; partly cloudy to southerly in south. Light rain and rain showers tonight. High 48 west and north, 44 southeast. Night tonight, high Thursday 70-75 west to 43-47 east.

KANSAS—Mostly cloudy; showers and rain in southeast tonight. High 48 west and north, 44 southeast. Night tonight, high Thursday 70-75 west to 43-47 east.

2 p. m. Tues 23 3 p. m. 48
3:30 p. m. 43 4 p. m. 47
4:30 p. m. 41 5:30 p. m. 42
6:30 p. m. 41 7:30 p. m. 42
8:30 p. m. 40 9:30 p. m. 43
10:30 p. m. 40 11:30 p. m. 43
12:30 p. m. Wed. 40 1:30 p. m. 43
2:30 p. m. 43 3:30 p. m. 42

Highest temperature a year ago 74; lowest 49.

Sun. rise, 5:15 a. m.; set, 7:32 p. m.
Moon rise, 2:12 a. m.; set, 1:25 p. m.
Normal May precipitation, 4.08 inches.
Total May precipitation to date, 1.90 inches.
Total 1930 precipitation to date, 4.28 inches.

pany from both Beatrice and Lincoln took part in the search in the area.

Lancaster County Sheriff Myles Holloway directed the search. Bud Springer was in charge of the Beatrice Gas company crew and Louie Laus was in charge of the Lincoln crew.

Sheriff Holloway said he wanted to express his thanks to all who took part in the search for their efforts. "Without their help," he said, "the bodies would probably have never been recovered."

Kitch's body was found wrapped around a large log. From all appearances, he was hanging to the log when it struck some brush and trees and became stuck. It looked as if the force of the water flowing over his body drowned him.

old, his brother.

Mrs. Ann Mahu, Shenandoah, Ia.

Walter Adams, about 30, Syracuse, Neb.

Mrs. Ernest Svoboda, Beatrice, Neb.

Berneda Meyer, Lincoln.

Missing and presumed dead: Virgil Kruse, Nebraska City.

Donalyn Klause, Lincoln, his sister.

Paul N. Hill, Lincoln, Neb., bus driver.

Adolph Mahu, Shenandoah, Ia., husband of the.

Marjorie Rischart, Cozad.

Charles Beach, Lincoln.

Spending Reduction Approved

WASHINGTON—(AP)—The house today voted to cut about \$500,000,000 from the \$29,495,933,504 general appropriation bill.

The vote was a tentative one in that it is subject to a later roll call that could reverse the outcome.

Rep. Taber (R-N.Y.) sponsored the amendment directing the cut—mainly in personnel, transportation, supplies and other operating expenses of federal agencies financed by the bill.

The house accepted the Taber proposal by a teller vote of 185 to 147. Members voting were not recorded by name.

The republicans received almost solid southern democratic support for the Taber proposal.

Your Today's Star

Serial Story	3
Editorials	4
Nebraska News	6
Flood Pictures	14
Radio Programs	15
Social News	16, 17
Comics	21
Sports	24, 25
Markets	26, 27
Want Ads	27, 28, 29

New War Weapon

Uncle Sam has perfected a "homing device" which will enable naval guided missiles to destroy enemy planes in the air.

Rep. Vignola (D-Ga.) made the disclosure Wednesday.

The navy program also contemplates an atom-powered submarine.

Story on page 11.

THE LINCOLN STAR

Robert Hemmer, 8, an Homer three-months-old of Mr. and Mrs. Joseph Hemmer of Dunbar, were when the Hemmer car stalled in flood waters. Dunbar. The parents crawled out of their car, breaking a window and tried out one of the yo-However, the rampaging made it impossible for ners to maintain a hold children and they were away.

The body of Mrs. Ann Mahu, Shenandoah, Ia., was found day near Unadilla. She was the passengers on the bus. Mrs. Mahu's husband, Adolph, was among the mi-losing his life as waters Syracuse area was Walter about 50. Efforts of volunte men to rescue him failed.

Charles Beach, 38, of still was missing Wednesday trailer house, located at (Continued on Page Two.)

Industry Loss Here Tops \$200,000

Hatchery Plant Hardest Hit By Flooding

Lincoln industry suffered a severe blow from the destructive flood waters of Salt Creek. Preliminary estimates show that damage will exceed \$200,000.

But some firms in the area which was flooded reported that no estimate could be made as yet. This will boost the figure even higher.

Most damage came in the form of damage or loss to equipment, supplies and materials.

Hatchery Hit.

Apparently the most seriously hit were the Lincoln Hatchery at 101 West E. The Lincoln Steel Works at 315 West O and the rendering works of C. W. Swingle and company.

Damage to the hatchery was estimated at between \$50,000

damage of about \$40,000.

The Lincoln Steel Works reported that while no figure could be given as yet, damage will run into "the thousands of dollars."

At the hatchery, several hundred thousand eggs were lost and 1,300 pedigree laying birds were drowned. Many thousand chicks in the process of being hatched also were lost.

About \$30,000 of merchandise, including poultry supplies, were ruined by the flood waters and several thousand dollars of damage was done to dental equipment being prepared for shipment at the hatchery. The dental equipment included three X-ray machines.

The firms stressed that complete damage could not be ascertained until further checking.

Other damage reports: All the urees are rough estimates given by company spokesmen.

Olsen Construction company, 410 South Seventh, between \$5,000

Prairie Maid Meat Products company, 327 E, about \$4,500, mostly to casings and equipment.

Van Sickle Glass and Paint company, 143 South Tenth, about \$1,000.

Mid-West Steel company, 703 N, about \$3,000, mostly to supplies in the yards.

Wilson and Dana Produce company, 218 South Seventh, "at least" \$1,000, excluding possible replacement of damaged equipment.

Grothe Milling company, 635 N, about \$3,000 damage to stock in the warehouses at 635 N and 545 L.

Wilson Brickson and Lumber company, 600 N, about \$1,015 to types of lumber supplies affected adversely by water such as wall boards.

Geach Feed Products, 510 South, about \$6,000 damage mostly to stock.

American Stores company, 320 N, over \$1,000.

Grisswold Seed company, 728 N, about \$2,500, mostly to forage type seeds.

Amos Coal and Stoker company, 502 L, more than \$5,000 to coal and equipment.

White Foundry company, 630 K, between \$2,000 and \$5,000, mostly to equipment.

Lincoln Oil company, 240 P, between \$3,000 and \$5,000. Almost all of the fuel oil tanks were moved by the flood waters and some tanks were tipped over.

Goach Milling and Elevator company, 540 South, about \$1,000, caused mostly by the shut-down of departments. All departments are expected to be operating by tonight. Some grain also was damaged.

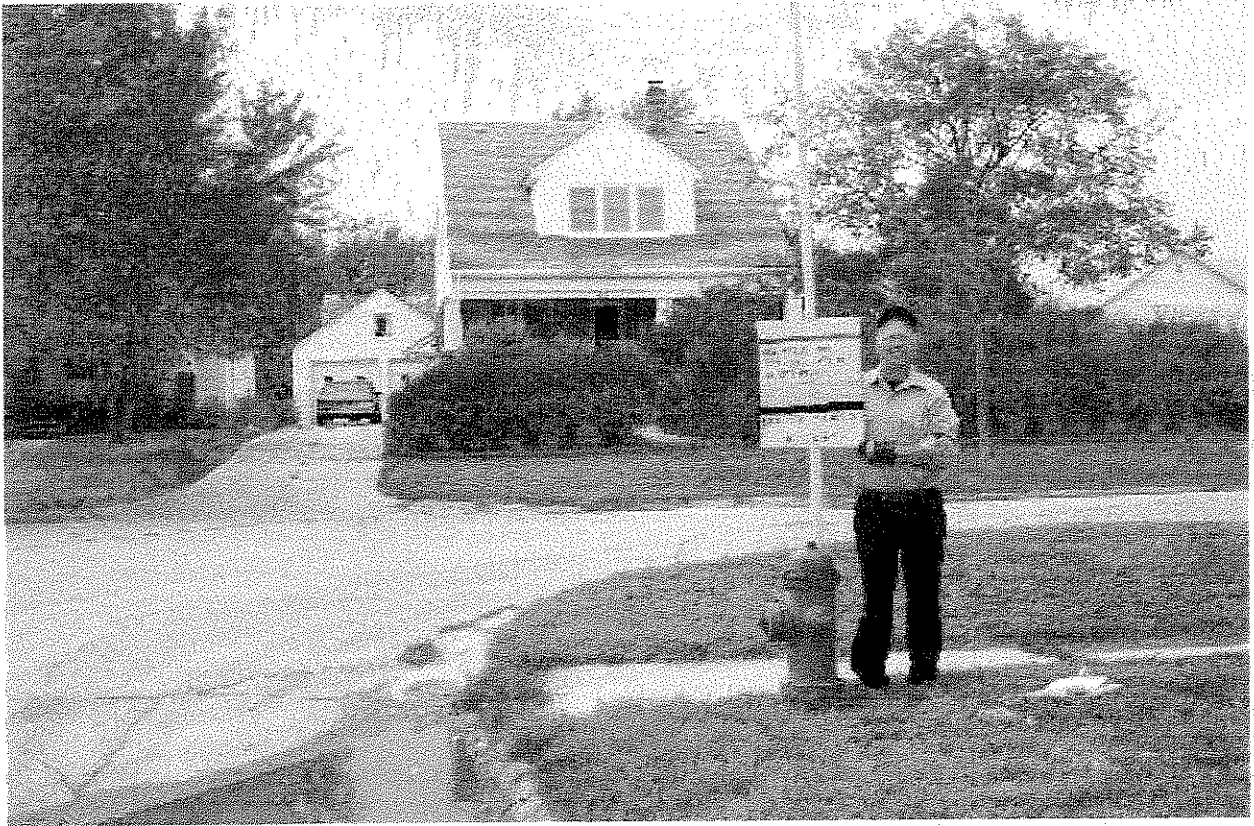
Beatrice Foods company, 725 L.

Marian Ande

The most treasured in the life of the area Negro contralto was a night Toccata told hers was the finest of the century. . . . set it private concert at the House with a King queen in the audience. See "Picturing Horset editorial page.

Pearson tells the stor, one of our most impo ambassadors of good Tryve Lie, on today editorial page.

ENCLOSURE 2



1ST AND C STREET
FACING WEST

ENCLOSURE 3



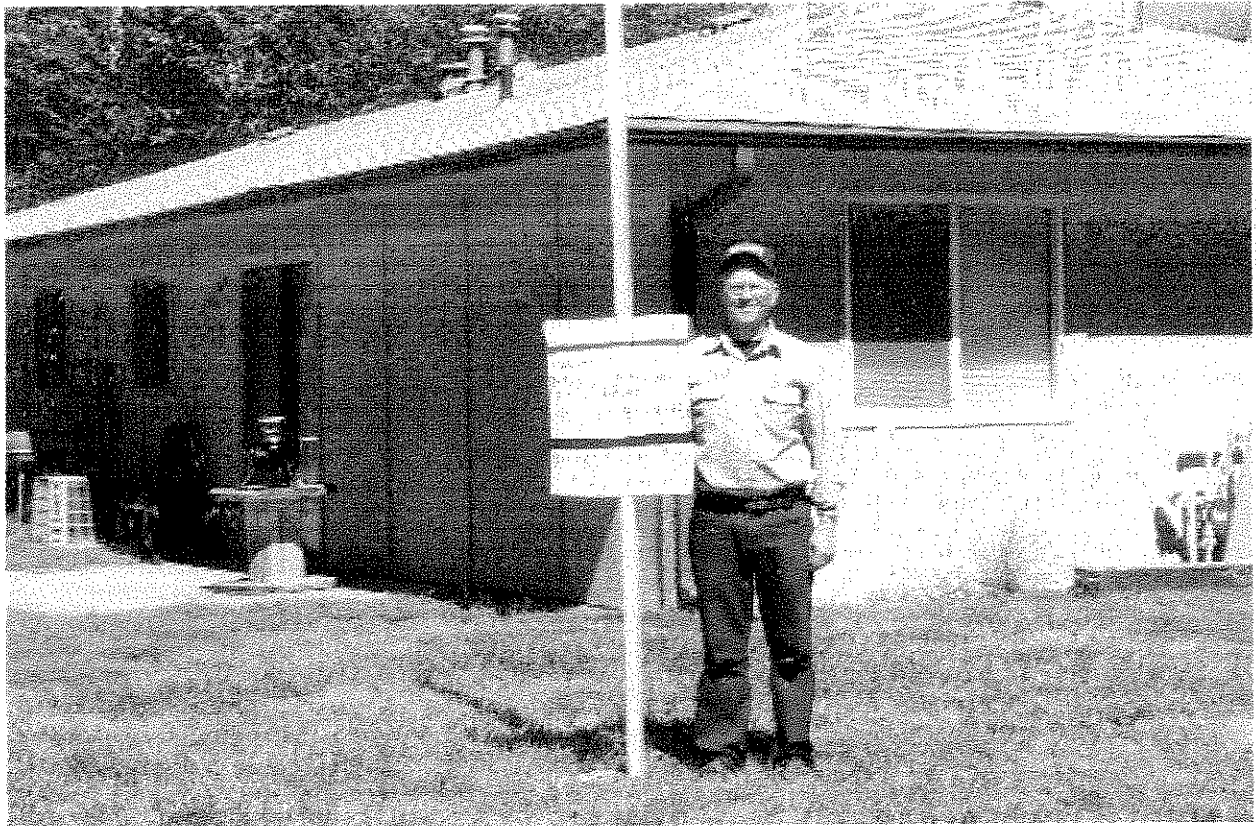
108 C STREET
BUILT 1910

ENCLOSURE 4



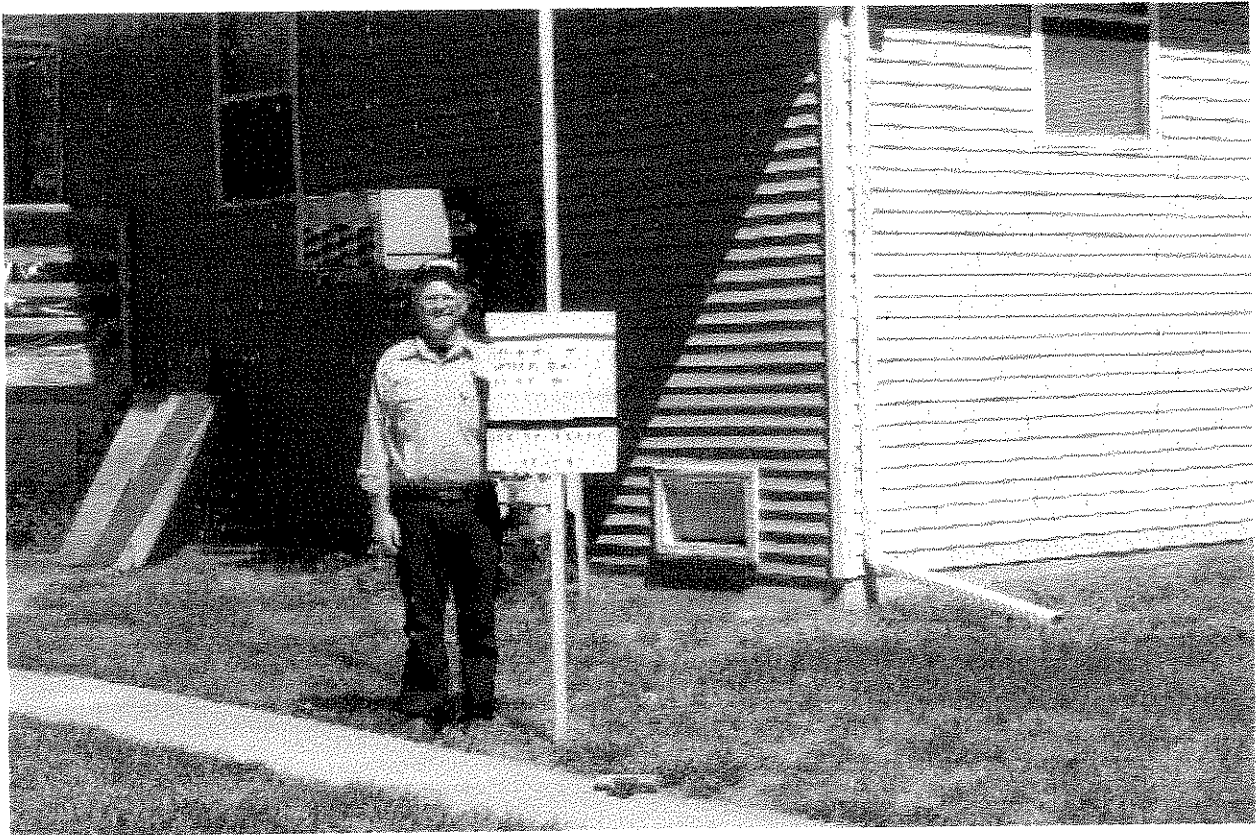
119 C st.
house built 1960

ENCLOSURE 5



Duplex 110/112 B st.
built 1978

ENCLOSURE 6



Duplex 120/122 B st.
house built 1994

ENCLOSURE 7



1 st. house Duplex 110/112 B st.
built 1978
same as enclosure 5

Middle house duplex 120/122 B st.
built 1994
same as enclosure 6

3rd house duplex 128 B st.
built 2001

ENCLOSURE 8



Facing west on A st. bridge over Salt Creek
picture taken September

north building built in 2002
south buildings (partially concealed by bridge construction dirt) built in 1979

**ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, MAY 3, 2004**

I. MAYOR - NONE

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS

JON CAMP

1. E-Mail from Douglas H. Rotthaus, REALTORS Association of Lincoln to Jon Camp - RE: Proposed flood plain regulations - (See E-Mail)

B. DIRECTORS AND DEPARTMENT HEADS

PLANNING

1. Response E-Mail from Jean Walker to Jerry & Terry Roberts -RE: Special Permit No. 1762B, Change of Zone No. 04021- (Note: This response is for Item #3 under "C. Miscellaneous". (See E-Mail)

C. MISCELLANEOUS

1. Faxed Letter from Joseph R. Hampton - RE: The proposed flood plain ordinance - (Council received their copies of this letter in their Thursday packets on 4/29/04) (See Letter)
2. E-Mail from Mike Carlin, Member, Friends of Wilderness Park - RE: Flood Standards For New Growth Areas - (See E-Mail)
3. E-Mail from Vintage Heights Homeowners Association Board Members (Jerry & Terri Roberts) - RE: Special Permit No. 1762B, Change of Zone No. 04021- (See E-Mail)
4. Letter & Material from Kent Seacrest - RE: Flood Plain Management Ordinances and Resolutions in the New Growth Areas - (See Material)

daadd050304/tjg



CAMPJON@aol.com

04/30/2004 07:34 PM

To: jray@ci.lincoln.ne.us (City Council)

cc:

Subject: Fwd: Proposed flood plain regulations

RECEIVED

MAY 03 2004

CITY COUNCIL
OFFICE

Jon Camp, Chair
Lincoln City Council
City Council Office: 441-8793
Constituent representative: Darrell Podany

----- Message from "Doug Rotthaus" <DougR@LincolnREALTORS.com> on Thu, 29 Apr 2004 08:27:14
-0500 -----

To: "Jon Camp" <jcamp@ci.lincoln.ne.us>, "Glenn Friendt" <gfriendt@ci.lincoln.ne.us>, "Ken Svoboda" <ksvoboda@ci.lincoln.ne.us>, "Patte Newman" <pnewman@ci.lincoln.ne.us>, "Annette McRoy" <amcroy@ci.lincoln.ne.us>, "Terry Werner" <twerner@ci.lincoln.ne.us>, "Jonathan Cook" <jcook@ci.lincoln.ne.us>

Subject Proposed flood plain regulations

:
Dear Council Members,

The REALTORS® Association of Lincoln would like you to consider amending the proposed flood plain regulations that will receive public comment this week.

Our association supports the goal of the proposed flood-plain standards. Certainly, the protection of the environment and the protection of existing property owners from future flooding are important goals.

We fully support individual property owners living downstream. Those citizens want, and need, flood-control. As real estate professionals, our members understand what it means to an individual property owner when she finds her home or business located in a flood-plain. Flood insurance is very expensive to acquire, it negatively impacts marketability and reduces the overall value of the property.

Our biggest concern is the lack of "flexibility" contained in the new standards.

We hope that you do not interpret our use of the term flexibility as a desire on our part to allow developments with negative flood impacts to be approved. Also flexibility should not mean the elimination of green space or the deterioration of the environment.

In our opinion, flexibility needs to be an option because, in certain cases,

there will be more cost-efficient means of achieving the same goals. The current standards are rigid and do not allow for common-sense adjustments to be made when flood control and water quality can be accomplished at a lower cost.

For example, is it reasonable to say "no exceptions" in those cases where the proposed standards cause significant housing cost increases with no corresponding benefit in flood control?

Our association opposes unnecessary increases in housing costs and argues that if a development project causes no adverse flood risk to property owners downstream and preserves an acceptable amount of green-space, then the city should have the right to approve an exception for that development through a special permit or a use permit.

Please support amending the proposed flood plain regulations to allow the City Council to grant a reasonable exception to the regulations, once the goals of flood control and environmental protection are achieved.

In summary, the proposed flood plain regulation needs to include a reasonable, common-sense exception for granting relief - one that protects our environment and downstream property owners - and needs to allow efficient developments that wisely use the land to move forward. It also concerns us that the total number of acres affected by this proposal is unknown.

We would also like to voice our support of any proposal that adjusts, or narrows the width of the required flood corridor at the top of the hill, or where a relatively small number of acres are being drained. In our opinion, this rigid standard at the top of the hill is excessive and also leads to unnecessary increases in housing costs.

We appreciate your consideration. Thank you.

Doug

Douglas H. Rotthaus, RCE
Executive Vice President
REALTORS® Association of Lincoln
8231 Beechwood Drive
Lincoln, NE 68510
402-441-3625 (voice)
402-441-3630 (fax)
mailto:DougR@LincolnREALTORS.com
http://www.LincolnREALTORS.com



JWalker@ci.lincoln.ne.us

05/03/2004 08:22 AM

To: "Jerry & Terri Roberts" <jandt7@navix.net>
cc: "Mike James" <audiomikej@yahoo.com>, "Bill Zinnecker" <blyz@aol.com>, council@ci.lincoln.ne.us, "Dennis Summers" <dennisummers@earthlink.net>, jcamp@ci.lincoln.ne.us, "Kendra Trumbley" <kmtrumbley@wmconnect.com>, mayor@ci.lincoln.ne.us, "Steve Meyers" <nehuskers1970@aol.com>, "Warren Gran" <wlkrib5@earthlink.net>

Subject: Re: Vintage Heights Homeowners Association - RE: Special Permit no. 1762B, Change of Zone No. 04021

Thank you for submitting your comments on the Vintage Heights 4th Addition applications for annexation, change of zone and community unit plan amendment, which have now become part of the record and which will be distributed to the Planning Commission prior to the public hearing, which is scheduled for Wed., May 12, beginning at 1:00 p.m.

--Jean Walker, Administrative Officer
City-County Planning Department
441-6365

RECEIVED
MAY 03 2004
CITY COUNCIL
OFFICE

"Jerry & Terri
Roberts"
<plan@ci.lincoln.ne.us>
<jandt7@navix.net>
<mayor@ci.lincoln.ne.us>,
>
<council@ci.lincoln.ne.us>,
<dennisummers@earthlink.net>, "Kendra
05/02/2004 06:02
<kmtrumbley@wmconnect.com>, "Warren Gran"
PM
Zinnecker" <blyz@aol.com>,
<audiomikej@yahoo.com>, "Steve Meyers"

To:

cc:

<jcamp@ci.lincoln.ne.us>,
"Dennis Summers"

Trumbley"

<wlkrib5@earthlink.net>, "Bill

"Mike James"

<nehuskers1970@aol.com>

Subject: Vintage Heights

Homeowners Association - RE:

Special Permit no. 1762B,

Change of Zone No. 04021

Please find attached a letter of concern regarding the applications described in the subject line of this email:

Regards,
Terri Roberts
President, Vintage Heights Homeowners Association
(See attached file: VinHeght Density Letter.doc)

HAMPTON Enterprises, Inc.
HAMPTON Commercial Construction, Inc.
1660 South 70th Street, Suite 203
Lincoln, Nebraska 68506
402/489-8858 • FAX 402/489-9287



HAMPTON

April 29, 2004

RECEIVED
APR 29 2004
CITY COUNCIL
OFFICE

Mayor Colleen Seng and the Members of the City Council
555 South 10th Street
Lincoln, NE 68508

I will be unable to testify before the City Council regarding the proposed flood plain ordinance. I will be in Washington, D.C. with the Chamber of commerce Group, who will be advocating additional federal funding for Lincoln street and highway needs.

I do not know any responsible person or group that does not believe we should pay attention to the preservation of flood plains. As I see it, the problems is in the details, which are as follows:

1. Is far in excess of Federal or State standards.
2. A serious impact on ground above the flood plain.
3. Lacks sound engineering standards.
4. Extreme difficulty in project approval. I thought we were trying to streamline the approval process!
5. Will force development in areas outside of Lincoln.
6. To adopt as presented, is to repudiate the Angelou Economic Plan.

I would suggest that this proposal be deferred for further study by professional people in the field of drainage flood control and flood plains.

Sincerely,

Joseph R. Hampton

Cc: Lancaster County Board



Joan V Ray

04/30/2004 09:06 AM

To: "Mike Carlin" <mcarlin@neb.rr.com>
cc: <Council@ci.Lincoln.ne.us>
Subject: Re: FLOOD STANDARDS FOR NEW GROWTH AREAS

Dear Carlin: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us

"Mike Carlin" <mcarlin@neb.rr.com>



"Mike Carlin"
<mcarlin@neb.rr.com>

04/29/2004 09:46 PM

To: <Council@ci.Lincoln.ne.us>
cc:
Subject: FLOOD STANDARDS FOR NEW GROWTH AREAS

RECEIVED
APR 30 2004
CITY COUNCIL
OFFICE

April 29, 2004

Dear City Council,

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

I am writing regarding the proposed flood standards for new growth areas. The proposal presented by the Task Force represented a balanced solution to a challenging problem. The Task Force is to be lauded for their hard work and dedication of effort.

Notice that I said represented, not represents. During the Planning Commission hearing on March 31st, a local development attorney well known for his oratory skills, very smoothly praised the standards while convincing the Planning Commission to amend them in such a way that will have a far more damaging effect than they were led to believe. I am speaking of the amendment to narrow the Minimum Flood Corridor.

Not all of the Commissioners were taken in. The vote was in fact, quite close. Commissioner Pearson is quoted in the minutes of the hearing as saying: "Pearson commented that we had a committee that studied this for 18 months, and then we had testimony that the easiest place to control flood is in the upper levels – we can control volume, speed and sediment. Why would we start messing with that at the 12th hour?"

I could not have stated it better, so I won't try.

When the Tierra neighborhood flooded in the mid-1990's, one of the hard lessons learned was that the upper reaches of the streams play a crucial role in flood control. Prior to that, Lincoln had not adequately factored them into stormwater planning and the citizens paid for it with water

in their homes. The lesson was learned. The upper reaches of streams have been included in all of the stormwater basin master plans written since then.

The Task Force and the professional stormwater engineers in Public Works have come up with a Minimum Flood Corridor plan that makes sense. Don't let a silver-tongued attorney get the best of us again. Please move to have the original wording of the standards pertaining to Minimum Flood Corridors put back in.

Sincerely,

Mike Carlin
Member, Friends of Wilderness Park
2700 West Paddock Rd.
Lincoln, NE 68523
420-9092
mcaryl@neb.rr.com

RECEIVED
APR 30 2004
CITY COUNCIL
OFFICE



Joan V Ray

05/03/2004 09:01 AM

To: "Jerry & Terri Roberts" <jandt7@navix.net>
cc: <plan@ci.lincoln.ne.us>, <mayor@ci.lincoln.ne.us>,
<jcamp@ci.lincoln.ne.us>, <council@ci.lincoln.ne.us>, "Dennis
Summers" <dennisummers@earthlink.net>, "Kendra Trumbley"
<kmtrumbley@wmconnect.com>, "Warren Gran"
<wlkrlb5@earthlink.net>, "Bill Zinnecker" <blyz@aol.com>, "Mike
James" <audiomikej@yahoo.com>, "Steve Meyers"
<nehuskers1970@aol.com>

Subject: Re: Vintage Heights Homeowners Association - RE: Special Permit no.
1762B, Change of Zone No. 04021

Dear Ms. Roberts: Your message has been received in the Council Office and the Council Members will
give your concerns their close consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us

"Jerry & Terri Roberts" <jandt7@navix.net>



"Jerry & Terri Roberts"
<jandt7@navix.net>

05/02/2004 06:02 PM

To: <plan@ci.lincoln.ne.us>
cc: <mayor@ci.lincoln.ne.us>, <jcamp@ci.lincoln.ne.us>,
<council@ci.lincoln.ne.us>, "Dennis Summers"
<dennisummers@earthlink.net>, "Kendra Trumbley"
<kmtrumbley@wmconnect.com>, "Warren Gran"
<wlkrlb5@earthlink.net>, "Bill Zinnecker" <blyz@aol.com>, "Mike
James" <audiomikej@yahoo.com>, "Steve Meyers"
<nehuskers1970@aol.com>

Subject: Vintage Heights Homeowners Association - RE: Special Permit no.
1762B, Change of Zone No. 04021

Please find attached a letter of concern regarding the applications
described in the subject line of this email:

Regards,
Terri Roberts
President, Vintage Heights Homeowners Association



VinHeght Density Letter.doc

RECEIVED
MAY 03 2004
CITY COUNCIL
OFFICE

Vintage Heights Homeowners Association
April 27, 2004

To: Mr. Marvin Krout - Lincoln City Planning Commission Director
Mr. Tom Cajka – Planning Department Project Planner

Cc: Mayor Coleen Seng - City of Lincoln Mayor
Mr. Jon Camp - Lincoln City Council Representative

Subject: Increased townhome density planned for Vintage Heights west of Antelope Creek (Special Permit No. 1762B, and Change of Zone No. 04021)

It has come to our attention that Hampton Development, the developer of our housing development (Vintage Heights), is planning to present a zoning change that will increase the density of the town homes planned for the area west of Antelope Creek. The original plan called for approximately 57 total individual units in groups of two or three for this area. The newly proposed plan calls for approximately 118 total individual units in a slightly larger area in groups of four or five. We object to this increased density zoning change, which is an almost doubling of the density of the homes originally planned for this area. The covenants for the Vintage Heights development are more stringent for the North area of the development with a requirement for larger lots, larger homes, and larger setbacks. The increased density of town homes is planned for this North area of the development. We feel the increased density of these town homes will have a large negative impact on the Vintage Heights development, by decreasing the value of existing homes, particularly those closest to the area of increased density.

Another very significant issue with this planned development area is that there does not seem to be another exit road out of this area planned other than the existing roads in the development. This will cause a large safety problem by significantly increasing the traffic flow in and out of the development on already extremely busy streets. We feel it is imperative that another exit road be built out to 84th Street or Pine Lake Road before any housing development begins in this area west of Antelope Creek.

Respectively yours,

Vintage Heights Homeowners Association Board of Directors and President

Terri Roberts – VHHOA President

Warren Gran – VHHOA

Board Member
489-2729

Kendra Trumbley – VHHOA Board Member Steve Meyers – VHHOA
Board Member

SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

May 3, 2004

RECEIVED

MAY 03 2004

CITY COUNCIL
OFFICE

HAND DELIVERY

Joan Ross, City Clerk
County City Building
555 South 10th Street
Lincoln NE 68508

RE: Flood Plain Management Ordinances and Resolutions in the New Growth Areas
(Agenda Items #25 through #40 inclusively; 04-72 through 04-82 inclusively and
04R-87 through 04R-91 inclusively)

Dear Joan:

On behalf of Ridge Development Company and Southview, Inc., we are requesting that the City Council public hearing on the above referenced matters scheduled for May 3, 2004 be continued until May 10, 2004. I, along with other Lincoln citizens, will be in Washington D.C. to discuss City of Lincoln, University of Nebraska, Lincoln Public Schools, and other important community matters on May 3rd. My office has heard directly or from others that there are at least four council members willing to continue the May 3rd public hearing for one week. Based upon that information, I have elected to go to Washington D.C.

Our office has advised Nicole Fleck-Tooze and others that we will be submitting formal amendments to the above referenced matters. For everyone's information, we are enclosing a summary outline of our proposed amendments. This will allow the City Council and others to have advance notice and an outline of what our office is intending to propose. Please note that **our clients are supportive of over 95% of the major principals** drafted in the above referenced ordinances and resolutions, including the "No Net Rise" standard and requirement for "Compensatory Storage".

Our clients' difficulties with the remaining 5% of the ordinances and resolutions arise from how the above referenced matters apply the Minimum Flood Corridor to the "top of the hill" watershed areas. Our clients believe the existing City and Federal floodplain management requirements properly address the flooding risk associated with the top of the hill watershed areas (e.g., U.S. Army Corps of Engineer 404 Permit Process, City's storm water detention standards and the City's requirement that the 2, 5, 10 and 100 year flood waters be properly routed through

subdivisions). If the City wants to improve water quality, wildlife or other environmental goals with the Minimum Flood Corridor, then there are better ways to address those goals than the proposed regulations that would require the preservation of many highly erosive ephemeral waterways that lack riparian vegetation and wildlife diversity.

In many instances, the proposed regulations include the same requirements as the U.S. Army Corps of Engineer 404 Permit Process and yet create a whole new City administrative process that unnecessarily duplicates the Army Corps of Engineer process at a very expensive cost to the City taxpayers. In other aspects, the proposed flood management regulations when applied to the "top of the hill" will be too costly, inflexible, unbalanced and will not be the best mechanism to achieve better water quality and diverse riparian corridors.

Again our proposed amendments are intended to better balance the remaining 5% of the major principals drafted in the above referenced ordinances and resolutions so that a 100% package is approved. Our office will use its best efforts to submit formal amendments to the above referenced matters by the end of the day on Thursday (May 6th). In the event City Staff or others want to meet with our office to discuss the enclosed outline summary, then our formal amendments may be not be ready until next Monday (May 10th).

We thank the City Council for its consideration of our requested continuation of the public hearing until May 10th. Please call DaNay Kalkowski (435-6000) or me (432-9600 cellular) if you have questions or comments. Thank you for your consideration of our request.

Yours Very Truly,



Kent Seacrest
For the Firm

Enclosure: Summary Outline of Proposed Amendments

cc (with enclosures):

Via Hand Delivery

Mayor Seng
City Council Members
Nicole Fleck-Tooze
Glenn Johnson
Mike DeKalb
Rick Peo

Via U.S. Mail

Ridge Development Company
Southview, Inc.

MINIMUM FLOOD CORRIDOR – NEW GROWTH AREA
May 2, 2004

Introduction:

The following text without marked changes is an outline summary of the proposed Minimum Flood Corridor in the Flood Plain Management Ordinances and Resolutions in the New Growth Areas. The marked changes reflect our law firm's proposed amendments that will be formally proposed to the City Council by May 10, 2004. Please note there are two alternatives for Sections 3 and 4 below.

1. Preservation of Minimum Flood Corridor required along any channel which:

1. drains greater than 150 acres; or
2. has a defined bed and bank (but excludes upland erosional features)

2. Required City Minimum Flood Corridor Buffer (Width):

| | | | | | | |
|---------------------------------|---|---------------------------|---|--------------------------|---|---------------------|
| drains over 150 acres | - | channel bottom | + | 60 feet | + | (6 x channel depth) |
| drains 101 – 150 acres | - | channel bottom | + | 40 <u>25</u> feet | + | (6 x channel depth) |
| drains <u>51-75</u> – 100 acres | - | channel bottom | + | 20 <u>25</u> feet | + | (6 x channel depth) |
| drains 26 – 50 acres | - | channel bottom | + | 10 feet | + | (6 x channel depth) |
| drains 0 – <u>25-75</u> acres | - | no minimum flood corridor | | | | |

Alternative 1 for Sections 3 and 4:

3. Alternative 1: Fill and Vegetation Encroachments in the Minimum Flood Corridor of High Function Riparian Creek Corridors:

• **Criteria used to determine a High Function riparian creek corridor:**

1. habitat for endangered species
2. existing stable creek slopes
3. perennial stream
4. significant tree massing
5. significant vegetation diversity

• **Individual areas of encroachment permitted:**

1. operation, maintenance and repair
2. channel improvements
3. stormwater storage facility
4. utility crossings
5. parks
6. pedestrian/bike trails
7. recreational uses
8. stream crossing structures

9. educational and public service facilities (excluding buildings)
10. public purposes

Note: For 5, 6 and 7 uses: ~~where encroachments are minimal and~~ generally consistent with the purpose of the corridor.

- **Prior to vegetative encroachment or fill for permitted purposes of a High Function riparian corridor you must submit documentation to the City for review showing the steps taken using the sequencing approach, and the selected alternative.**
 1. Avoidance. Encroachment of riparian vegetation and the existing grade should be avoided if there is a practicable alternative that does not cause encroachment.
 2. Minimization. If it is determined that avoidance is not practicable then steps must be taken to minimize impacts to the riparian vegetation and/or the existing grade.
 3. Mitigation. Impacts to the riparian vegetation or to the existing grade must be mitigated after an appropriate and feasible alternative has been chosen through minimization.
- **Mitigation:** For loss of riparian vegetation and fill in impacted areas shall occur at a 1.5 to 1 ratio. *Where land uses prior to development have an impact on the buffer, the area should be replanted with vegetation compatible with the minimum flood corridor and water quality benefits.*

4. **Alternative 1: Fill and Vegetation Encroachments in Minimum Flood Corridor of Low Function Riparian Creek Corridors:**

- **Criteria used to determine a Low Function riparian creek corridor:**
 1. steep vertical banks with exposed soils
 2. nonnative vegetation
 3. ephemeral stream
 4. lack of vegetation diversity
- **Individual areas of encroachment or relocation of Low Function riparian corridors is permitted. Prior to vegetative encroachment or fill of a Low Function riparian corridor for permitted purposes you must submit documentation to the City for review showing the steps taken to improve the existing corridor or selected alternative corridor.**
 1. **Channel Improvement.** The channel improvement must be based upon the City's Drainage Criteria Manual, which is based upon current best management practices.
 2. **Mitigation.** Loss of riparian vegetation and fill in impacted areas shall be mitigated at a 1.5 to 1 ratio.
 3. **Native Riparian Vegetation.** The replacement plant material for loss of riparian vegetation must be native.

* **Exception:**

Stream Crossing Structures within a floodplain or floodprone area are not required to mitigate for lost storage if they meet the conditions for sequencing and mitigation provided

in 10.4. Required to revegetate graded areas adjacent to the Stream Crossing with plant material compatible with the existing native riparian area.

Alternative 2 for Sections 3 and 4:

3. Alternative 2: Fill Encroachments in Minimum Flood Corridor and Waters of the United States of America:

- **Prior to fill of a Waters of the United States you must submit 404 permit documentation to the U.S. Army Corp of Engineers for approval showing the steps taken using the sequencing approach and the selected alternative.**
 1. Avoidance.
 2. Minimization.
 3. Mitigation. (Plus any required 404 permit buffer or the Required City Minimum Flood Corridor Buffer shown above, whichever buffer is greater).

4. Alternative 2: Vegetation Only Encroachments (No Fill) in Minimum Flood Corridor:

- **Individual Areas of Vegetation Only Encroachment Permitted:**
 1. operation, maintenance and repair
 2. channel improvements
 3. stormwater storage facility
 4. utility crossings
 5. parks
 6. pedestrian/bike trails
 7. recreational uses
 8. stream crossing structures
 9. educational facilities (excluding buildings)
 10. public purposes

5, 6 and 7 uses: where encroachments are ~~minimal~~ and generally consistent with the purpose of the corridor
- **Prior to vegetation only encroachments ~~or fill~~ for permitted purposes you must submit documentation to the City for review showing the steps taken using the sequencing approach, and the selected alternative.**
 1. Avoidance. Encroachment of riparian vegetation and the existing grade should be avoided if there is a practicable alternative that does not cause encroachment.
 2. Minimization. If it is determined that avoidance is not practicable then steps must be taken to minimize impacts to the riparian vegetation and/or the existing grade.
 3. Mitigation. Impacts to the riparian vegetation or to the existing grade must be mitigated after an appropriate and feasible alternative has been chosen through minimization.
- **Mitigation:** For loss of riparian vegetation ~~and fill~~ in impacted areas shall occur at a 1.5 to 1 ratio. *Where land uses prior to development have an impact on the buffer, the area should be replanted with vegetation compatible with the minimum flood corridor and water quality benefits.*

* **Exception:**

Stream Crossing Structures within a floodplain or floodprone area are not required to mitigate for lost storage if they meet the conditions for sequencing and mitigation provided in 10.4. Required to revegetate graded areas adjacent to the Stream Crossing with plant material compatible with the existing riparian area.